

# **JOURNAL**

OF THE

## **SENATE**

OF THE

### **STATE OF ALABAMA,**

**BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD  
MONDAY IN NOVEMBER, 1831.**

**BEING THE THIRTEENTH ANNUAL SESSION,**

OF THE

**GENERAL ASSEMBLY OF SAID STATE.**

---

**Tuscaloosa:**

**PRINTED BY WILEY, M'GUIRE AND HENRY,  
STATE PRINTERS.**

**1832.**

# JOURNAL OF THE SENATE.

---

On the twenty-first day of November, in the year of our Lord, one thousand eight hundred and thirty-one, being the third Monday in said month, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, at Tuscaloosa, the following members of the Senate appeared in the Senate Chamber of the Capitol and took their seats, to wit:—From the Senatorial District composed of the counties of

Mobile, Washington and Baldwin,	- -	John B. Hogan.
Monroe and Clarke,	- - - -	Neal Smith.
Conecuh and Butler,	- - - -	William Hemphill.
Henry, Pike, Covington and Dale,	- -	William Irwin.
Marengo and Wilcox,	- - - -	John W. Bridges.
Perry,	- - - - -	Richard B. Walthall.
Montgomery,	- - - - -	James Abercrombie.
Bibb and Shelby,	- - - - -	Joab Lawler.
Madison,	- - - - -	John Vining.
Jackson,	- - - - -	William Barclay.
Lawrence,	- - - - -	Thomas Coopwood.
Tuscaloosa,	- - - - -	Leven Powell.
Jefferson and Walker,	- - - -	John M. Dupuy.
Greene,	- - - - -	John Erwin.
Autauga,	- - - - -	William R. Pickett.
Dallas,	- - - - -	Horatio G. Perry.
St Clair and Blount,	- - - -	David Conner.
Lauderdale,	- - - - -	James Jackson.
Pickens, Fayette and Marion,	- -	Rufus K. Anderson.
Morgan,	- - - - -	Thomas M'Elderry.
Limestone,	- - - - -	William Edmondson.
Franklin,	- - - - -	Quin Morton.

On motion of Mr Perry, Mr Pickett was called to the chair, and Erasmus Walker appointed Secretary pro tem.

On motion of Mr Abercrombie, the Senate proceeded to the election of a President: James Jackson of Lauderdale county alone being in nomination. The Honorable James Jackson having received all the votes of the Senate, was declared to be duly elected President thereof; whereupon Mr Jackson was conducted to the chair, from whence he made his acknowledgements to the Senate, was qualified and proceeded to the discharge of the duties of his office.

On motion of Mr Abercrombie, the Senate then proceeded to the election of a Secretary: Caswell R. Clifton, Aaron Ready and Charles D. Conner, being in nomination: for Ready, seven; for Clifton, five; for C. D. Conner, ten.



Those who voted for Mr Ready are, Messrs Abercrombie, Conner, Dupuy, Hemphill, Lawler, Morton and Powell.

Those who voted for Mr Clifton are, Messrs Anderson, Barclay, Edmondson, M'Elderry and Vining.

Those who voted for Mr Conner are, Messrs Bridges, Coopwood, Erwin of Greene, Hogan, Irwin of Henry, Jackson, Perry, Pickett, Smith and Walthall.

Neither of the persons having a majority of the votes, the Senate proceeded to vote a second time for a Secretary, the same persons being in nomination: for Mr Ready, seven; for Mr Clifton, five; for Mr Conner, ten.

Those who voted for Mr Ready are, Messrs Abercrombie, Conner, Dupuy, Hemphill, Lawler, Morton, Powell.

Those who voted for Mr Clifton are, Messrs Anderson, Barclay, Edmondson, M'Elderry and Vining.

Those who voted for Mr Conner are, Messrs President, Bridges, Coopwood, Erwin of Greene, Hogan, Irwin of Henry, Perry, Pickett, Smith and Walthall.

Neither of the persons having a majority of votes, the Senate proceeded to vote a third time, Mr Ready and Mr Conner being in nomination: for Mr Ready ten, Mr Conner, twelve.

Those who voted for Mr Ready are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Lawler, Morton, Powell and Vining.

Those who voted for Mr Conner are, Messrs President, Barclay, Bridges, Coopwood, Erwin of G, Hogan, Irwin of H. M'Elderry, Perry, Pickett, Smith and Walthall.

Charles D. Conner having received a majority of votes, was declared duly elected Secretary to the Senate, was qualified and proceeded to discharge the duties of his office.

Mr Smith moved to go into the election of Assistant Secretary to the Senate: David S. Morton and Henry Childs being in nomination.

Those who voted for Mr Morton are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Coopwood, Dupuy, Edmondson, Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Powell, Pickett and Vining.

Those who voted for Mr Childs are, Messrs Bridges, Erwin of G. Hogan, Perry, Smith, Walthall.

Mr Morton having received sixteen votes, Mr Childs six, Mr Morton was declared by Mr President to be duly elected. Mr Morton was qualified and entered upon the duties of his office.

On motion of Mr Smith, the Senate proceeded to the election of a Doorkeeper for the Senate: John Morgan, James A. Bates, James Rather, R. A. Reel and Randolph Ivy, being in nomination.

Mr Morgan received two votes, Mr Bates eight, Rather nine, Ivy two, Reel one.

Those who voted for Mr Morgan are, Messrs Lawler and Perry.

Those who voted for Mr Bates are, Messrs Coopwood, Erwin of G. Hogan, Jackson, Pickett, Smith, Vining and Walthall.

Those who voted for Mr Rather are, Messrs Abercrombie, Conner, Dupuy, Edmondson, Irwin of H. M'Elderry, Morton, Powell and Hemphill.

Those who voted for Mr Reel are, Mr Bridges.

Those who voted for Mr Ivy are, Messrs Anderson and Barclay.

No one having a majority, the Senate proceeded to vote a second time. Messrs Bates, Rather, Reel and Ivy, being in nomination: Bates received eight votes, Rather ten, Reel two, Ivy two.

Those who voted for Mr Bates are, Messrs President, Coopwood, Erwin of G. Hogan, Pickett, Smith, Vining and Walthall.

Those who voted for Mr Rather are, Messrs Abercrombie, Conner, Dupuy, Edmondson, Hemphill, Irwin of H. Lawler, M'Elderry, Morton, Powell.

Those who voted for Mr Reel are, Messrs Bridges and Perry.

Those who voted for Mr Ivy are, Messrs Anderson and Barclay.

No person having a majority, the Senate proceeded to vote a third time. Mr Bates, Mr Rather and Mr Reel in nomination: Mr Bates received ten votes, Mr Rather eleven, Mr Reel one.

Those who voted for Mr Rather are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Irwin of H. Lawler, M'Elderry, Morton, Powell.

Those who voted for Mr Bates are, Messrs President, Barclay, Coopwood, Erwin of G. Hogan, Perry, Pickett, Smith, Vining and Walthall.

Those who voted for Mr Reel are, Mr Bridges.

No one having a majority of votes, the Senate proceeded to vote a fourth time: Messrs Bates and Rather being in nomination. Mr Bates received eleven votes and Mr Rather eleven.

Those who voted for Mr Bates are, Messrs President, Barclay, Bridges, Coopwood, Erwin of G. Hogan, Perry, Pickett, Smith, Vining and Walthall.

Those who voted for Mr Rather are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Irwin of H. Lawler, M'Elderry, Morton and Powell.

Neither having a majority of the votes, the Senate proceeded to vote a fifth time; the same persons in nomination, and the same result as the preceding vote.

The Senate then proceeded to a sixth, seventh, eighth, and ninth vote, all being the same as the preceding.

Mr Morton moved to lay the resolution on the table; which was lost.—Mr Coopwood moved the Senate to appoint a Doorkeeper pro tempore; which motion was lost. Mr Bridges moved to postpone the election until to-morrow; on which motion the yeas and nays were called.

Those who voted in the affirmative are, Messrs President, Barclay, Bridges, Coopwood, Erwin of G. Hogan, Pickett, Smith, Vining and Walthall—ten

Those who voted in the negative are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Irwin of H. Lawler, M'Elderry, Morton, Perry and Powell—twelve.

So the Senate refused to postpone the election of a Doorkeeper until to-morrow.

The Senate then proceeded to a tenth vote for a Doorkeeper: Mr Bates and Rather being in nomination: Mr Bates eleven, Mr Rather eleven votes.

Those who voted for Mr Bates are, Messrs President, Barclay, Bridges, Coopwood, Erwin of G. Hogan, Perry, Pickett, Smith, Vining and Walthall.

Those who voted for Mr Rather are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Irwin of H. Lawler, M'Elderry, Morton and Powell.

The Senate then proceeded to an eleventh vote, which resulted the same as the preceding, neither having a majority.

The Senate then proceeded to a twelfth vote: Mr Bates, Mr Rather and Mr Lawler, being in nomination. Mr Bates received twelve votes, Mr Rather seven, and Mr Lawler three.

Those who voted for Mr Bates are, Messrs President, Barclay, Bridges, Conner, Coopwood, Erwin of G. Hogan, Perry, Pickett, Smith, Vining and Walthall.

Those who voted for Mr Rather are, Messrs Dupuy, Edmondson, Hemphill, Irwin of H. M'Elderry, Morton and Powell.

Those who voted for Mr Lawler are, Messrs Abercrombie, Anderson and Lawler.

James A. Bates having received a majority of the votes, was declared by the President to be duly elected Doorkeeper of the Senate, was qualified, and entered upon the duties of his office.

Mr Smith introduced the following resolution, viz: *Resolved*, that a message be sent to the House of Representatives, informing them that a quorum of the Senate have convened: That the honorable James Jackson, of Lauderdale county, has been elected President of the Senate; Charles D. Conner, Secretary; David S. Morton, Assistant Secretary; and James A. Bates, Doorkeeper: and are now ready to proceed to business; which resolution was adopted.

Mr Bridges introduced the following resolution, viz: *Resolved*, that the rules of decorum, for the government of the Senate at the last session, be adopted as the rules of the present session; and that fifty copies be printed for the use of the Senate; which was adopted.

Mr Hemphill offered the following resolution, viz: *Resolved*, that the editors of the Alabama State Intelligencer, and the Spirit of the Age, be permitted to take a seat within the bar of the Senate, for the purpose of reporting the proceedings thereof; which was adopted.

Mr Hogan offered the following resolution, viz: *Resolved*, that the editor of the Tuscaloosa Inquirer be permitted to take a seat within the bar of the Senate, to report the proceedings thereof; which was adopted.

On motion of Mr Irwin of Henry, the Senate adjourned until to-morrow eleven o'clock.

*Tuesday, Nov. 22, 1831.*—The Senate met pursuant to adjournment.

Mr Bridges moved to expunge from the journal, all that part which includes the several votes which took place in electing the officers of the Senate, except so much as relates to the persons who were chosen and the number of votes to each; which motion was lost.

A message from the House of Representatives, by Mr Tunstall, principal clerk: Mr President—I am instructed by the House of Representatives, to inform the Senate, that they are organized, and have elected the Honorable James Penn, of Madison county, Speaker; Thomas B. Tunstall Principal Clerk; T. Nixon Van Dyke, Assistant Clerk; William B. McClellan, Engrossing Clerk; and John Tatom, Doorkeeper; and are ready to proceed to business. They have adopted the following resolution, in which they ask the concurrence of your honorable body: *Resolved*, that a select committee be appointed to wait on his Excellency, to act with such committee as may be appointed on the part of the Senate, and inform him that the two Houses of the General Assembly are organized, and are ready to receive any communication he may please to make. They have appointed a committee on their part, consisting of Messrs Brodnax, Toulmin and King of Madison.

*Ordered*, that the Senate concur in the resolution from the House of Representatives, proposing the appointment of a joint committee to wait on his Excellency the Governor, and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication he may think proper to make: whereupon Messrs Smith, Pickett and Powell, were appointed a committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House therewith.

On motion of Mr Smith: *Resolved*, that the following standing committees be appointed, viz:

- A Committee on Propositions and Grievances.
- A Committee on Enrolled Bills.
- A Committee on the Judiciary.
- A Committee on Privileges and Elections.
- A Committee on Inland Navigation.
- A Committee on Roads, Bridges and Ferries.
- A Committee on County Boundaries.
- A Committee on Accounts and Claims.
- A Committee on Education.
- A Committee on the State Bank.
- A Committee on Military Affairs.
- A Committee on Divorce and Alimony.
- A Committee on the State Capitol.
- A Committee on the State Printing.
- A Committee on Indian Affairs, and
- A Committee on the State of the Republic.

Mr Pickett offered an amendment to Mr Smith's resolution, by striking out the committee on the state of the republic; which was carried; Yeas 13—Nays 9. The yeas and nays being desired,

Those who voted in the affirmative are, Messrs President, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hogan, Lawler, Pickett, Smith and Vining.

Those who voted in the negative are, Messrs Abercrombie, Anderson, Hemphill, Irwin of H. M'Elderry, Morton, Perry, Powell and Walthall.

Mr Powell introduced a bill to be entitled an act to establish a Penitentiary for the State of Alabama; which was read and ordered to a second reading on Thursday next.

Mr Anderson introduced the petition of sundry citizens of the county of Pickens, praying that the thirty-fourth regiment of the fifth brigade and second division of Alabama militia may be divided; which was ordered to lie on the table.

Mr Abercrombie introduced the petition of Samuel M'Culloch, to emancipate certain persons therein named; which was referred to a select committee.

Mr Coopwood introduced the following resolution, to wit: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of establishing a branch of the Bank of the State of Alabama, at some suitable point in the Tennessee Valley; and if said committee should deem it advisable for the attainment of that object, to increase the capital stock of said Bank, that they report to the Senate such information as they may be able to gain in relation to such increase of stock. Mr Hogan moved to amend the same, by striking out the words "in the Tennessee Valley. Mr Smith moved to lay the resolution on the table; which was carried.

Mr Smith, from the joint committee appointed to wait on the Governor, and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication which he might think proper to make—*Reported*, that the committee had performed the duty assigned them, and received for answer from the Governor, that he would make a communication in writing this day at half past twelve o'clock, to the two Houses of the General Assembly.

A communication in writing was received from his Excellency the Governor, by James I. Thornton, Esquire, Secretary of State, and is as follows, to wit:

EXECUTIVE DEPARTMENT, *Tuscaloosa*, 22d Nov. 1831.

*To the Hon. the Senate and House of Representatives:*

FELLOW-CITIZENS: From a concurrence of events of which you are apprised, I became the Acting Governor of the State on the third day of last March; and it is my duty to continue in the department until the present General Assembly shall have qualified the Governor elect. I cordially participate in the joys of the thirteenth annual meeting of the Representatives of the people of Alabama; and it adds to my exultation, that I believe, in proportion to the increase of the number of its years, our State rises in respectability and consequence in the scale of the Union. We have cause for renewed obligations to the beneficent Dispensator of blessings to the human family, for health; an unusually abundant reward to agricultural industry; and the promising success of our public institutions.

The framers of that instrument which defines your powers and mine, and secures to the people their rights, aware of the constant recurrence of objects important to the public weal, which demand the attention of the

Legislature, appointed sessions at short periods. And being in a co-ordinate department at the commencement of the present session, it is my duty to recommend to your consideration, such measures as I may deem proper subjects of Legislative action. I perform this task with less diffidence, feeling assured that such measures as I shall recommend, coming within the pale of your operations, will receive from you such attention as their importance, and the good of society may require; and from a conviction that your numerous body, immediately from the people of the different sections of the State, will have knowledge of such objects, involving the welfare of the community as shall have escaped notice in my communication; and that those, for such omission, will receive no less the unremitting and scrutinizing attention and deliberation of your honorable body.

The University of Alabama was prepared for the reception of students on the eighteenth day of last April, since which time, with a vacation of ten weeks, it has been in active and successful operation. The number of students is now eighty-eight, and others expected shortly. It is a source of much exultation to the the infant State of Alabama, to hail the commencement of an institution which, from its ample endowments, its healthful situation, its connexion by a navigable stream with seaports and fertile countries, from which may be easily obtained all the necessities and comforts of life not furnished by the productiveness of the neighborhood, promises to rival any institution of the kind in the United States. Nothing but a misdirected administration of its resources, can prevent its most extensive usefulness in the Republic. I congratulate the State on the fortunate selection of a President and Professors. With pleasure do I express my entire belief, that their qualifications are in all respects equal to the discharge of the duties of their respective departments; and that their exertions accord with their feelings of deep interest in the prosperity of the institution.

Permit me here to recommend to your consideration the propriety of allowing to the Trustees of the University compensation for their services, without which a proper attention to the expensive discharge of their duties cannot, ought not, to be expected from persons whose indispensable qualification is a residence in a distant part of the State.

On a judicious adjustment of a circulating medium; in a great degree depend the happiness and facilities of social and commercial intercourse. A sound and well regulated currency is preventive of difficulties, and promotive of an easy and friendly communication between nations, between states, and between individuals. The subject of banking is, therefore, one which the Legislature of every community, involved in its varied intricacies and dangers, ought to view as a matter of the deepest concernment. If banking be considered essential in facilitating commercial action, it is proper to inquire how banks may be established upon principles of republican legislation. If we view banking as a tax upon the citizens, for the purpose of raising revenue to defray the expenses of government, we are able to recognize the power of a State to become a banker as legitimate, and yet sustain the principles of equal rights to the citizens. Banking is a tax, because by it a revenue is collected; and this revenue is inseparable from the operations of successful banking, because of its necessity to sustain the credit of the paper.

The State of Alabama, in the exercise of its legitimate and constitutional power, has become a banker. It has established a bank founded on a permanent capital, which issues and lends a paper currency at a moderate

interest. The interest constitutes a revenue to be applied only to public uses, and is acquired by an indirect mode of taxation to raise a State revenue. Because the tax is paid voluntarily by individuals who borrow the paper, it does not change the character of the operation; it is still a tax, transferred by the individuals to the public. It will not, I suppose, be pretended, because an innkeeper pays for his license voluntarily, that he does not thereby pay a tax. But because a State has a right to tax its citizens to raise a public revenue, it does not conclusively follow, that a State has the legitimate power to transfer that right to an incorporation; or varying the expression, to tax the citizens for the benefit of the individuals of an incorporation. Under the general laws of Alabama, individuals have not the right of associating themselves together with banking privileges; therefore, when the Legislature, by an act of incorporation, grants these powers to an association, those individuals thereby receive and exercise privileges, from which other citizens of the same community are excluded. The nature of these privileges may be readily seen, by a very slight examination of the operations of a private stock bank. A "set of men," in their corporate capacity, issue their notes, by which they promise to pay a specified sum of money; an individual wishing to obtain some of those notes, presents his note to be discounted, by which he promises to pay a specified sum of money. The operation is an exchange of notes. But in the exchange, the individual is required to pay a premium, the tax. Where shall we look to find the reason of the difference in the value of the credit of these parties; the reason why this "set of men" may require this tax, this tribute of the individual? The parties to the transaction are equally solvent; the credit of each is intrinsically equal to that of the other; they are citizens of the same State, subjects of the same government; on the face of the notes the promises are made in the same obligatory language, to pay in the same specific dollars. The reason is not found here. But when we turn to the statute book, in an act of the Legislature of a government purporting to be founded on the equal rights of its citizens, we find the reason. I do not intend to insist that the establishment of company banks is contrary to the letter of the Constitution of Alabama; for that instrument seems to recognize the right of the Legislature to create such banks. My object is to show, that to establish a company bank, is not legislating strictly on principles of equal rights, which ought to be the polar star of every American Legislator, and is contrary to the true policy of a Republican government. Suppose another State to apply to the Legislature of Alabama for a Bank charter, with the usual company bank restrictions, to authorize that State to establish a bank in Alabama for the purpose of raising revenue. The President and Directors would be chosen from the stockholders, who, in this case, would be the citizens of the applying State. This bank would be constitutional upon the same principles that the company banks are. But would its establishment be good policy in the Legislature? Would the application not be rejected, because it would be establishing a separate interest in our State? Because the bankers would manage the institution, so as to produce the greatest revenue, regardless of the interest of Alabama. If this argument be good, it will apply with equal force to any company of individuals, clothed with banking powers. Without regard to place of residence, State, citizenship, or other interest, they will pursue that course in the management of the institution which will produce the largest dividends, because it will be for their own emolument. It is a correct course of legislation to endeavor to produce a coincidence between duty and in-



**terest.** Where this is wanting, the citizen is apt to be unfaithful. The establishment of a company bank, is the erection of a separate interest in a State, and it is exclusive, confined to a few. It is absurd to say, that because, by the terms of the charter, it seems to offer stock to all who will purchase, therefore its privileges are not exclusive. This is like a thousand persons running to obtain shelter in a house, that will contain only an hundred. Persons using this argument, will more certainly reach their object by creating a bank, in which the whole funds shall belong exclusively to the government; the citizens will then be equally interested. In this way the Bank becomes incorporated with, and composes a part of the government; and hence, is not liable to the objection of being a separate interest.

The bank of the United States is a company bank, in which four-fifths of the stock is owned by individuals. There are twenty-five Directors, twenty of whom are chosen by the individual stockholders, the remaining five by the President of the United States. The number chosen by the individuals is sufficient at all times, to control the direction of the bank. It is, therefore, a separate interest, and liable to all the objections of other company banks; and much more alarming in a government, because of its immense capital, and its powers to extend its ramifications throughout the Union, in defiance of State authorities. These Directors have chartered authority at their discretion, to establish at any point or points in your State, a branch, or branches, of a misnamed United States Bank, no other than a powerful monied institution, for the emolument, and under the direction of a few individuals, of different States and Nations. Where are your state rights, when twenty five men, private citizens, have a right, thus to trample upon your authority? Collectors of tariff duties are officers of government, and the tax which they collect is for public use; but the national banking tax collectors, are private citizens, not material of what nation or country, collecting a tax within the limits of your State, probably against its consent, and for their own aggrandizement. I respectfully submit to your consideration, the propriety of making a strong and decided expression against the policy of re-chartering the Bank of the United States, especially on its present principles, and with its present powers; and discountenancing (for that is the limit of your state right,) the establishment of other branches in the State of Alabama.

It is worthy of notice, that when the Constitution delegates powers to Congress, it is frequently under specified limitations, viz: the power to lay and collect taxes, &c. is under the restriction, that they must be uniform throughout the United States. But when Congress exercises a power not expressly given, it is without limitation, because the framers of the Constitution, not anticipating any pretensions to a claim to such power, made no restrictive provisions. Such is the case in the establishment of a national Bank, if Congress have the power, it is limited only by their own discretion; hence a danger of State sovereignty not being sufficiently regarded, and hence a necessity of the States being particularly watchful on those subjects of usurped legislation. If the establishment of such an institution be indispensable to the welfare of the nation, would it not be advisable that each State in which a branch may be established, shall be allowed to purchase so much of the stock in the branch, as will give to the State the control of its direction. In this way the power and influence of the Bank will be divided among the States, and not concentrated entirely in the General Government, or in the hands of individuals.

The growing condition of the Bank of the State of Alabama equals the

highest expectations of its most sanguine friends; and its successful operation will doubtless continue so long as the Legislature exercise their wonted caution in procuring ability and integrity in its direction. I would suggest the propriety of enlarging the bank capital, by the sale of State stock, so as to authorize the establishment of a branch at some eligible point, without injuring the operations of the mother bank. This will enable the institution to extend its accommodations, and with greater convenience to the citizens; it will also diminish the inducements to establish a branch of the Bank of the United States within the State.

It is unnecessary at this day to produce argument to prove to citizens of Alabama, that duties on articles of foreign, for the purpose of protecting domestic manufactures, operate partially on the citizens of the United States; unjustly and oppressively on those of our section; and that, as a State, we ought to be decidedly opposed to the policy of the American System. It would seem folly to oppose argument to the absurd idea, that the imposition of a tax, or duty, on any species of fabric, will not enhance its price to the consumer; and until this be true, we are sufferers, and cannot favor the policy. There is, however, much diversity of opinion on the subject of the extent to which we may legitimately oppose the existing tariff. There are some who believe, that as a sovereign State, we have a right to determine as to the constitutionality of a tariff law; and having decided it to be unconstitutional, to declare it inoperative and void in the State, and resist the execution of the law. Others are of opinion, that the justice of our cause, set forth by sober argument, in remonstrance or memorial, will ultimately succeed in alleviating our grievances; and should this fail, they believe there is yet another course to be pursued which ought to precede the arbitrary exercise of State sovereignty. The idea of States being politically united, implies a federal government; and to preserve a healthy action of the system of the Union, it is necessary that this Government should have the power to make certain general laws. The Legislative powers of the government of these United States are vested in a Congress. The Federal Constitution defines the powers of Congress, also designates the objects of legislation. If Congress, therefore, enact a law on a subject designated, and within the pale of their authority as prescribed by the Constitution, it is binding on the different States of the confederation; otherwise it is unconstitutional, and not binding. Further to illustrate the idea: The Constitution vests in Congress the power "to lay and collect taxes, duties, imposts, and excises;" it also prescribes that "all duties, imposts, and excises shall be uniform throughout the United States." If Congress, therefore, enact a law to lay and collect duties which are *uniform throughout the United States*, the law is within the prescribed powers, and binding on the States; but if the duties be not *uniform throughout the United States*, the law authorizing their collection is unconstitutional, and not binding on the States.

But Congress, by the enactment of the law, have said, that the duties are *uniform throughout the United States*, (otherwise they had not the power to enact the law,) and therefore constitutional.

But the State of Alabama says the duties are not *uniform throughout the United States*, and therefore the law is not constitutional. Here is the issue. How is it to be tried? I think not by battle in the first resort. The judicial power of the United States is vested in a Federal, Supreme, and other inferior courts, and extends to "all cases in law and equity, arising under this Constitution, the laws of the United States," &c. But this case arises under the Constitution or laws of the United States; therefore,



this law is cognizable by the Federal, Supreme, or other inferior courts. But the Federal Court decides the case against the State. Truly ; and the decision establishes a part of the Constitution which before was in dispute. But the evil still exists. And the law which oppresses us, has been determined by the proper tribunal to be constitutional. The fault is, therefore, in the Constitution ; it vests too much power in Congress. The next inquiry is, how is the Constitution to be amended? The instrument itself has pointed out the mode. "Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution ; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention, for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof." Urged by the existing evil, the States instructs its Representatives in Congress to endeavor to procure propositions to amend the Constitution : memorials and petitions are employed ; all exertions fail, a concurrence of two-thirds of both Houses cannot be obtained. The State endeavors, by resolutions and otherwise, to procure a concurrence of a constitutional number of the Legislatures of the several States, to apply for a Convention to propose amendments. A concurrence of the competent number cannot be obtained. Or if constitutional propositions of amendment be made, the Legislatures or conventions of three-fourths of the several States will not ratify the proposed amendments. If the law be unconstitutional, for want of power in Congress to lay duties to protect domestic manufactures, instead of to raise revenue to support Government, or for other reason, the question may be tried in like manner.

Having now exhausted all the means known to the Constitution, and consistent with the Union, to obtain relief from legal oppression in vain, if the evil still exists and be insufferable, it is now the State may begin to calculate the value of the Union, (a painful reflection to a heart that has always cherished a belief that its value is incalculable.) It is now, by reverting to the first principles of self-protection, the State may nullify the acts of Congress by declaring them inoperative and void within its limits, and set up for itself. But before it takes this step, it ought carefully to weigh the advantages of secession, against those of the Union, and see that the former clearly preponderate. Having said thus much, I would submit to your honorable body the propriety of making some expression on the subject of the present Tariff, and the means which ought to be employed in opposing it, or procuring its modification. I will here also submit for your consideration, a copy of the address to the people of the United States read by Mr. Berrien from the federative committee, to, and adopted by the anti-tariff convention.

A conviction of the highest considerations of public duty induces me to direct your attention again to a subject, the importance of which has been so often pressed on previous sessions of the Legislature by my predecessors, that little remains to be said with which you are not familiar. To afford such practicable facilities to the commercial interests of our growing country as their exigencies may require, certainly falls within the legitimate sphere of legislative action. In tracing the vestiges of ancient States, in whose councils, munificence, guided by wisdom, presided, the remains of commercial improvement and other undertakings, mark the advanced state of society, and attest the empire of the arts of peace. While military achievement has shed lustre on nations, works of public

utility, tending to the happiness and welfare of society, record the exercise of superior virtues, and afforde nobler monuments of true and lasting glory.

While we feel a degree of becoming pride in the consciousness that the State of Alabama stands pre-eminently distinguished on the map of our country for its natural commercial advantages, yet there are works of public improvement, the accomplishment of which are imperiously called for by the growing wants of our flourishing country, and which would incalculably tend to the promotion of the welfare and prosperity of the State. Among these, the connection of the Tennessee and Alabama waters, as well on account of the magnitude of the undertaking, as of its high importance to extensive and various sections of country, whether regarded in a military or commercial point of view, whether as a project of a national or local nature, command our early attention. While this subject presents to the General Government, in drawing together and preserving in political concord the distant parts of a widely extended country, an object inviting to patriotism, and interesting to its reputation, the commercial interests of the State impel to the most intense efforts in promoting the same object. The events of the last war, yet fresh in the recollection of us all, admonish, that if a hostile flag should again wave along our coast, it is to the interior we must look for the means of defence, in men and the munitions of war. By an improvement of the kind here recommended, a direct intercourse would be opened between our seaboard, and the populous and fertile regions of East Tennessee, Western Virginia, North Carolina, and a respectable portion of Georgia, by which the effective forces and supplies could speedily be conveyed to our assistance and relief. Thus valuable in a state of war, its advantages would be more sensibly and beneficially experienced during the prevalence of peace. It would pour into the bosom of Alabama the rich produce of the sections of country before enumerated, consisting of commodities which our necessities most urgently require, viz: Iron, Bacon, Flour, Lard, Butter, Rope, and Bagging, many of which articles we now procure from the North Western States, by way of New Orleans, loaded with the accumulated charges consequent upon a long, circuitous, and dangerous navigation, frequent trans-shipments, merchants' commissions, and other expenses, which generally swell the price of the article by the time it reaches the consumer, to an amount double its original cost. This increased expense is taken from the pockets of our citizens, and would, as has been shown by unerring calculation, in two years, amount to a sum equal to the accomplishment of the proposed undertaking, thereby draining the country of its circulating medium, to the manifest injury of all interests, and all classes and conditions of men. Another desirable effect attendant on its consummation, would be the concentration of the trade, export and import, of an extensive tract of country, (of itself adequate to the support of a large city,) upon Mobile; thus contributing to the creation of a great commercial emporium within our own limits, than which nothing serves more effectually to give character to a State. It would give new impulse to the productive genius and industry of the country, calling into profitable employment thousands of honest individuals; opening new and unthought-of avenues to the accumulation of wealth; and would bring into immediate and successful cultivation millions of acres of lands, blessed with fertility of soil and salubrity of climate, whose natural disabilities, without the assistance of art, condemn them to perpetual waste and wilderness. The high estimate which is placed upon this trade

in other pacts, may be readily inferred from the fact, that great struggles are now making by Virginia and South Carolina, to open for it an outlet through their respective territories, by a railroad across the Alleghenies, to an Atlantic port; either of which projects, in their accomplishment, would involve an expenditure incomparably extravagant, in proportion to the amount necessary to carry into execution the aforementioned improvement. And shall we, with all the advantages which nature and circumstances have combined in our favor, supinely fold our arms in cold indifference, and see that wealth seized upon by others, which may be regarded as the rightful property of our own citizens? To this question the Representatives of the people will return to their constituents a proper answer. Of the proper manner of prosecuting this desirable object, whether by the incorporation of a joint stock company for the whole work; or by undertaking the work at State expence, for public benefit; or whether aid should be solicited from the General Government, in effecting that which is so evidently a national concern; or whether by canal or railroad, is for the wisdom of the General Assembly to determine. In your deliberations on this subject, you will, I have no doubt, be much aided by the report of the State Engineer.

A connexion of some point above the Muscle Shoals, with some point below those obstructions, on the Tennessee or Mississippi rivers, viewing it either as a national or local work, is equally desirable, and worthy of consideration. The formidable difficulties to navigation presented by the Muscle Shoals, render it advisable that the improvement recommended should be by railroad. To show the great utility and practicability of the improvement, I herewith submit a copy of the address to the public, by the Corresponding Committee appointed by the Valley Railroad Convention at Courtland.

With this superficial glance at these object of internal improvement, I take leave of them, with a full confidence, that they will receive from you that attention, that careful and impartial consideration, to which their magnitude, their importance, and their intimate connexion with the dearest interests of the people of Alabama, so pre-eminently entitle them.

The crowded docket of our Supreme Court admonishes that something is defective in the system. The Judges, after discharging the duties of their respective circuits, are unable to command more time than is sufficient to do half the quantity of the business which has accumulated in the Supreme Court since its last previous term. As the State becomes more populous, business will increase, and there will be a consequent increase of litigation. I, therefore, recommend to your notice the propriety of establishing a separate Supreme Court to consist of three Judges, who will be able to hold such terms as the business of the court may require. Parties will then be able to obtain justice in a reasonable time, the delay of which, under the present system, almost amounts to a denial; and which must be very desirable to a community, and to Judges of a Court of dernier resort, they will have time for reading, and the examination of important principles, on the correct settlement of which may depend much of the security of life, liberty, and property to the citizens.

I would respectfully direct your attention to the inquiry, whether the punishment of death be not disproportionate to the crime of counterfeiting and forgery. I am aware of the impracticability of graduating punishment and crime with precision; but when the disproportion is so great that humanity revolts at the idea of inflicting the punishment; that all good feelings unite in recommending a convict to Executive clemency,

it is then obvious that a lower grade of punishment is expedient to insure its infliction, and to prevent crime from being perpetrated with impunity. And while on this subject allow me to recommend to your consideration the establishment of a Penitentiary system. Preceding Legislatures have rejected the proposition, because the resources of the State were thought to be unequal to the expense of erecting a suitable building. To obviate this difficulty, I would recommend that the building be constructed on such model, that part of the plan may be completed, fit for use, the first year; and afterwards, annual additions to be made, until the edifice be sufficient for the exigencies of the State; and for effective means, I would advise annual appropriations from the dividends accruing to the State from the Treasury Fund in the State Bank.

As a subject worthy of the consideration of the Legislature, allow me to call to your attention, the necessity of extending more fully, into the Cherokee and Creek nations of Indians, within the chartered limits of the State, the civil and criminal jurisdiction of the State courts, allowing to the inhabitants, in all respects, the rights and privileges of citizens, as far as is consistent with the constitution, justice, and their condition. Our citizens residing near the borders of those unceded lands, are frequently interrupted in their rights of person and property, by lawless persons, who elude the pursuit of justice, by being beyond the jurisdiction of our courts. The sovereignty of the State, gives to it the right of jurisdiction throughout its territory. It is, therefore, a curtailment of its rights to suffer a part of its limits to be under a distinct government, and more inconvenient because the government is only nominal, and not adequate to the purposes of justice.

The safety of the citizens, particularly those in the neighborhood of the Seat of Government, demands your attention, to the insecure situation of the public arms. There has been a late arrival of nearly one thousand muskets, with accoutrements, which, in their present situation, may be easily possessed by those whom, I fear, we have too much reason to denominate, a disaffected and dangerous population. A moment's reflection, I think, will clearly show the expediency of erecting a State Arsenal, or making further provision for the distribution of the public arms.

The unfinished situation of the State Capitol will present itself for your consideration, and strongly urges at your hands an appropriation of the small amount necessary for its completion.

Since the last session of the General assembly, I was informed by a communication from the commissioners of the General Land Office at Washington City, that selections of lands, made by the commissioners appointed to select the 400,000 acres donated to the State, to improve the navigation of the Tennessee and other rivers, not conformable to the divisions and subdivisions prescribed by an act of Congress, making further provision for the sale of public lands, would not be sanctioned in that department. And because the commissioners had selected many tracts of forty acres, being the one half of the smallest legal subdivision, I deemed it expedient to, and did call them together by proclamation, with instructions to substitute other tracts, conformably to legal subdivisions, equal to the aggregate quantity of those selected by tracts of less than legal subdivisions, which service they performed. I would, therefore, recommend to your consideration, the propriety of allowing them compensation for such extra service.

I have received copies of resolutions of the Legislatures of different States, which, according to request, I present to your honorable body for

consideration, viz: of Resolutions of the Legislature of the State of Massachusetts, respecting the integrity and permanency of our civil institutions, in relation to a more perfect organization of the militia under the authority of the United States. Of the State of Delaware, in relation to the tariff of the United States, and to internal improvements; in relation to the amendments of the Constitution of the United States, proposed by the Legislatures of the States of Louisiana and Missouri, in relation to the surviving officers and soldiers of the revolutionary Army; in relation to the public lands of the United States; in relation to resolutions of Alabama, nominating Andrew Jackson for re-election, &c. Of the State of Vermont, in relation to communications from the States of Georgia, Connecticut and Louisiana, on the subject of proposed amendments to the Constitution of the United States. Of the State of Ohio, in relation to the Constitutional power of Congress to appropriate money to aid the Colonization Society. Of the State of Maine, in relation to the tariff and internal improvement. Of the State of New Hampshire, in relation to the more perfect organization of the militia of the several states. I also lay before your honorable body, copies of a memorial of the American convention, for promoting the abolition of slavery, and improving the condition of the African race.

The following appointments have been made since the last session of the General Assembly, viz: William Richards, Judge of the County Court of Pickens county, vice Job H. Binion, resigned; William Harper, Judge of the County Court of Dale county, vice William Loftin, resigned; William H. Duke, Judge of the County Court of Marion county, vice William H. Ragsdale, resigned; John H. Gilmore, Judge of the County Court of Henry county, vice David Caldwell, resigned; George Burt, Judge of the County Court of Conecuh county, vice Stephen C. Richardson, resigned. I have also received the resignation of the Hon. Charles Tate, as a member of the Board of Internal Improvement; of Benjamin Williamson, as Judge of the County Court of Wilcox county; of James Saffold, as Judge of the County Court of Dallas county; of Thomas Ringold as Judge of the County Court of Marengo county.

My present connexion with you, gentlemen, in a few days will be dissolved. Its whole existence will have been short; but though I never should have the honor again to occupy a seat in any department of the government, the present and subsequent Legislatures have my most ardent wishes for the success of every exertion to promote the welfare of the citizens of Alabama.

SAM. B. MOORE.

Which communication, on motion of Mr Hogan, was laid on the table, and five hundred copies ordered to be printed for the use of the Senate.

The Senate then adjourned until to-morrow ten o'clock.

*Wednesday, Nov. 23.*—The Senate met pursuant to adjournment.

Pursuant to an order of the Senate, Mr President reported the following standing committees:

*On Propositions and Grievances*—Messrs Pickett, Erwin of G. Vining, Lawler and Edmondson.

*On Enrolled Bills*.—Messrs Powell, Edmondson, Hemphill, Bridges and M'Elderry.

*On the Judiciary*.—Messrs Perry, Erwin of G. Anderson, Coopwood, Bridges, Powell and Hogan.

*On Privileges and Elections*.—Messrs Lawler, Irwin of H. Conner and Barclay.

*On Inland Navigation.*—Messrs Walthall, Perry, Smith, Dupuy, and Lawler.

*On Roads, Bridges and Ferries.*—Messrs Morton, Smith, Pickett, Irwin of H. and Barclay.

*On County Boundaries.*—Messrs Abercrombie, Walthall, Irwin of H. M'Elderry and Conner.

*On Accounts and Claims.*—Messrs Coopwood, Bridges, Erwin of G. Hemphill and M'Elderry.

*On the State Bank.*—Messrs Hogan, Powell, Walthall, Abercrombie, Perry, M'Elderry and Coopwood.

*On Education.*—Messrs Erwin of G. Hemphill, Pickett and Anderson.

*On Military Affairs.*—Messrs Irwin of H. Dupuy, Hogan, Abercrombie and Vining.

*On Divorce and Alimony.*—Messrs Edmondson, Barclay, Conner, Morton and Dupuy.

*On the State Capitol.*—Messrs Vining, Powell, Anderson, Hogan and Bridges.

*On the State Printing.*—Messrs Bridges, Anderson, Hemphill, Lawler and Perry.

*On Indian Affairs.*—Messrs Hemphill, Conner, Vining, Walthall and Abercrombie.

Mr Hogan offered the petition of William T. Rounsevall, praying the Legislature to authorize him to erect a bridge or ferry across Dog River; which was read and referred to the committee on roads, bridges and ferries.

Mr Irwin of H. presented the petition of sundry citizens of the county of Dale, praying to have the militia of the county of Dale established into a separate regiment; which was read and referred to the committee on military affairs.

A message was received from the House of Representatives, by Mr Van Dyke, as follows: Mr President—The House of Representatives did on yesterday, adopt the following resolutions, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses will proceed on to-morrow, in joint meeting in the Representative Hall, to examine, enumerate and ascertain the votes given at the last general election for Governor of this State, and to decide and determine on said election. *Resolved*, that the two Houses will, with the consent of the Senate, assemble in the Representative Hall on Friday next, at three o'clock P. M. for the purpose of electing a State Printer for the ensuing year.

Mr Powell moved to amend the first resolution from the House, by striking out the words, *on to-morrow*, and inserting, *this day*; and then to concur in the resolution; which was adopted, and ordered that the Secretary acquaint the House therewith.

Mr Smith moved to lay the second resolution from the House on the table; which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay, Bridges, Coopwood, Edmondson, Erwin of G. Hogan, Lawler, Morton, Pickett, Smith and Vining.

Those who voted in the negative are, Messrs President, Anderson, Conner, Dupuy, Hemphill, Irwin of H. M'Elderry, Powell and Walthall.

Mr Bridges presented the petition of William Proctor, praying the Legislature for relief from the penalties and disabilities of violating the duelling laws; which was read and referred to a select committee, consisting of Messrs Bridges, Perry and Hogan.



Mr Coopwood presented the petition of certain land commissioners, praying the Legislature to allow them additional compensation for services rendered to the State; which was referred to the committee on accounts and claims.

Mr Irwin of H. presented the petition of Aaron Lockhart of the county of Dale, praying to be divorced from his wife Mary Lockhart, together with the decree of the judge of the county court; which was referred to the committee of divorce and alimony.

Mr Bridges presented the account of Eli Terry, junior; which was referred to the committee on accounts and claims.

Mr Irwin of H. presented the account of the sheriff of Dale county, for making returns of the election of Major General in the fourth division of Alabama Militia; which was referred to the committee on accounts and claims.

Mr Irwin of H. presented the account of the sheriff of Dale county, for keeping and transporting a prisoner from the county of Dale to the jail of Pike county; which was referred to the committee on accounts and claims.

A communication in writing was received from the Governor, by James I. Thornton, Esq. Secretary of State, as follows:

EXECUTIVE DEPARTMENT, Nov. 23, 1831.

*To the Honorable the President and Members of the Senate:*

GENTLEMEN: I have received the resignation of Doctor Payton King, as a member of the Board of Internal Improvement, and recommend early elections to fill the vacancies in that Board, as it will facilitate the forming a quorum, through which you will receive the report of the State Engineer. I have also received the resignation of Peter Walker, judge of the county court of Jefferson county.

I have the honor to be very respectfully, your obt. serv't.

SAM. B. MOORE.

HON. JAMES JACKSON, *President of the Senate.*

*Ordered to lie on table.*

Mr Bridges offered the following resolution: *Resolved*, that a committee be appointed to draft and report to the Senate, a memorial addressed to the Congress of the United States, asking a reduction in the price of the public lands, and to authorise the lands to be entered in tracts of forty acres; which was, on motion of Mr Coopwood, laid on the table until to-morrow.

Mr Pickett introduced a bill to be entitled an act for the more speedy trial of slaves and free people of color; which was read and made the order of the day for a second reading on to-morrow.

Mr Anderson introduced a bill to be entitled an act to establish a permanent road from Tuscaloosa to the Mississippi State line; which was read and made the order of the day for a second reading on to-morrow.

Mr Hogan presented the following resolution: *Resolved*, that the Door-keeper be authorized to procure a sufficient quantity of some coarse carpeting to cover the balance of the floor of the Senate Chamber.

Mr Dupuy presented the following resolution, to wit: *Resolved*, that with the consent of the House of Representatives, the two Houses will on this day, at twelve o'clock, convene in the Hall of the House of Representatives, for the purpose of electing a judge of the county court of Jefferson county. Mr Bridges moved to amend the resolution, by adding thereto the counties of Wilcox and Marengo; which amendment was adopted. Mr Irwin of H. moved further to amend the resolution, by ad-

ding thereto the counties of Henry and Dale; which amendment was adopted: and then the resolution was adopted, after an unsuccessful motion of Mr Hogan to lay on the table. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Bridges moved to take from the table the Governor's message, and that it be made the order of the day on tomorrow, and that it be referred to the committee of the whole; which was adopted.

Mr Barclay presented the following resolution, viz: *Resolved*, that the committee on Indian affairs be instructed to inquire into the expediency of extending the laws of the State over that part of the Cherokee Nation lying within the limits of this State, and that they have leave to report by bill or otherwise; which was ordered to lie on the table until to-morrow.

Mr Abercrombie presented the petition of a large number of the citizens of the county of Montgomery, praying the establishment of a Bank in the town of Montgomery, or if deemed most expedient, a Branch of the State Bank; which was referred to the committee on the State Bank, with leave to report by bill or otherwise.

Mr Anderson introduced a bill to be entitled an act to establish a new regiment in the county of Pickens; which was read and ordered to a second reading on to-morrow.

Mr Irwin of H. introduced a bill to be entitled an act to attach a portion of the territory of Pike county to Henry county; which was read and ordered to a second reading on to-morrow.

Mr Coopwood moved to proceed to the orders of the day, and called for the resolution establishing a Bank in the Tennessee Valley, which lay on the table with the amendment to strike therefrom the words *in the Tennessee Valley*. Mr Hogan withdrew his amendment to strike out *in the Tennessee Valley*, which amendment was renewed by Irwin of H. The yeas and nays were desired.

Mr Irwin of H. moved a call of the House, when the resolution, according to the rules of the Senate, was laid on the table for one hour.

A message was received from the House by Mr Van Dyke, as follows: Mr President—The House of Representatives concur in the amendment of the Senate, to the resolution proposing to enumerate and ascertain the votes given for Governor, at the last general election in this State, and to determine upon the said election. They also concur in the resolution of the Senate proposing to go into the election of judges of the county courts of Jefferson, Wilcox, Marengo, Henry and Dale, and have amended the same by adding the word *Dallas*, after the word *Henry*, and have amended the same further by striking out the words *this day at the hour of 12 o'clock*, and inserting in lieu thereof the words *Friday next, at the hour of 3 o'clock, P. M.* in which amendments they ask the concurrence of the Senate; which was ordered to lie on the table until to-morrow.

Mr Lawler presented the following resolution, viz: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall on to-morrow at 12 o'clock, for the purpose of electing two members of the Board of Internal Improvement, to fill the vacancies occasioned by the resignations of the Hon. Charles Tate and Doctor Payton King. Mr Irwin of H. moved to lay the resolution on the table until to-morrow; which motion was lost. Yeas 7—Nays 14.

Those who voted in the affirmative are, Messrs Abercrombie, Anderson, Barclay, Coopwood, Dupuy, Hemphill, and Irwin of Henry.

Those who voted in the negative are, Messrs President, Bridges, Connor, Edmondson, Erwin of G. Hogan, Lawler, McElderry, Pickett, Powell, Smith, Vining, Walthall.

Mr Pickett introduced a bill to be entitled an act to repeal an act, enti-



led an act to establish a board of internal improvement for the State of Alabama; which was read and made the order of the day for a second reading on to-morrow.

Mr Powell presented the following resolution, to wit: *Resolved*, that the Doorkeeper, Mr Bates, be, and he is hereby authorized to contract for the fuel and other necessary articles for the use of the Senate during the present session of the Legislature.

A message from the House of Representatives, by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House is now ready to receive them for the purpose of ascertaining the number of votes given at the last general election for Governor: Whereupon the Senate proceeded to the Hall of the House of Representatives, where a point of order arose in the House, relative to the legality of some of the returns; whereupon the Senate withdrew to the Senate chamber.

Mr Coopwood presented the following resolution: *Resolved*, that a special committee be appointed to determine and report to the Senate, whether a mistake in the return by its direction to the Secretary of State, instead of the Speaker of the House of Representatives, of the votes for Governor, would prevent their being counted with returns properly directed; which was ordered to lie on the table.

The Senate then adjourned until to-morrow 10 o'clock.

*Thursday, Nov. 24.*—The Senate met pursuant to adjournment.

Mr President announced Messrs Abercrombie, Hogan and Lawler, as the special committee on the petition of Samuel M'Culloch: Messrs Bridges, Perry and Hogan, on the petition of Mr Proctor.

Mr Powell moved to take from the table the resolution of the House proposing to go into the election of judges of the county courts of Jefferson, Wilcox, Marengo, Henry and Dale, with the amendments to add thereto the county of Dallas, and to go into the election on *Friday next, at the hour of 3 o'clock, P. M.* in which amendments the Senate concurred. *Ordered*, that the Secretary acquaint the House therewith.

Mr President presented the following report and documents, from the President of the Bank of the State of Alabama:

BANK OF THE STATE OF ALABAMA, TUSCALOOSA, Nov. 22, 1831.

To the Hon. the President of the Senate: SIR—Agreeable to the provisions of the 12th section of an act of the General Assembly, entitled, "An Act to establish the Bank of the State of Alabama," I have the honor to lay before that branch of the General Assembly over which you preside, the annual statement in relation to said Bank, to wit:

Capital Stock of the Bank.....	\$739,458 50½
Notes in circulation.....	407,844 00
Moneys on deposit, to wit:	
To the credit of Internal Improvement Fund.....	\$205,308 51
" " President and Directors of Board of Internal Improvement.....	20,180 60
" " Common Stock Fund.....	30,701 85½
" " Individual Depositors.....	98,521 51
" " Partial Payments.....	15,669 47—370,381 94½
Debts due the Bank on Notes discounted....	\$907,563 22
Due on Bills of Exchange.....	328,504 16
Due from other Banks.....	63,555 57
Property, Real and Personal.....	10,777 11
Cash, specie.....	169,638 26
" Notes of other Banks, principally	
United States.....	45,060 00

For the further information of the General Assembly, I beg leave to communicate the accompanying document, marked A. which exhibits the result of the operations of this institution for the last year, ending the 9th inst. all of which is respectfully submitted.

By order of the Board,

JNO. L. TINDALL, *President.*

[A.] *An abstract of the annual settlement of the Books of the Bank of the State of Alabama, for twelve months ending 9th November, 1831, made under the direction of the President and Directors.*

GAIN.—By discount received for 12 months ending this day	\$70,797 92
“ Interest received “ “ “ “	4,064 35
“ Premium received “ “ “ “	1,896 12
“ Profit and loss “ “ “ “	9,638 66
	<hr/> \$86,397 05
LOSS.—To current expense for 12 months ending this day	6,140 69
Interest paid on the funds arising from the sale of common school lands.....	1,304 19—7,444 88
	<hr/>
Balance, out of which dividends are declared in proportion to stock.....	\$78,952 17

TO WIT:

Dividend to State loans.	Stock \$200,000 @ 11 87	\$23,735 44
“ University fund.		
“ Stock 9th Nov. last	\$128,654 36½	
“ Increase, 17th January “	16,473 47	
“ “ 18th May “	20,000 00	
“ “ 11th July “	10,000 00—\$175,127 83½.....	18,065 03
“ Three per cent. fund,		
9th November last.....	96,354 77	
Increase 18th March “.....	15,155 37— 111,510 14.....	12,503 85
“ Revenue fund	Stock 207,688 49½.....	24,647 85—78,952 17

\$694,326 46½

Gross gain brought down.....\$86,397 05

DISBURSEMENTS.

To interest paid on State loans for 12 months ending the 1st ultimo .....	\$12,000 00
Do. University fund “ “ “ this day.....	9,316 28
Do. The funds arising from the sale of common school lands	1,304 19
Dividend to revenue fund “ “ as above....	\$24,647 85
This amount placed to the credit of revenue fund, being the gain after paying interest on State loans	11,735 44
This amount placed to the credit of revenue fund, being the gain after paying interest on University fund.....	8,748 75
	<hr/> 45,132 04
Dividend to three per cent. fund, carried to credit of President and Directors of the board of internal improvement.....	12,503 85
Current expense paid for 12 months ending this day.....	6,140 69—\$86,397 05

*Statement showing the gross gain of the Bank for each year since its establishment.*

	1825.	1826.	1827.	1828.	1829.	1830.	1831.	Total.
State loans interest - -	6,000 00	6,000 00	6,000 00	6,000 00	6,000 00	9,000 00	12,000 00	51,000 00
University fund do. - -	3,113 19	4,439 99	5,827 96	6,750 99	7,549 21	7,719 28	9,316 28	44,696 88
Revenue fund dividend - -		9,741 11	11,915 28	23,375 69	17,888 69	39,293 76	45,132 04	138,346 57
Three per cent. fund do. - -		5,091 69	6,008 75	9,568 08	8,559 99	11,304 22	12,503 85	53,035 89
Seat of government fund do. -		5,099 85	3,978 73	5,983 45	5,211 94	6,900 64		27,174 62
Current expense - -	7,708 88	3,439 49	5,039 99	7,493 61	5,577 62	5,831 85	6,140 69	41,231 88
Common school fund - -						443 38	1,304 19	1,747 57
	<hr/> 16,822 67	<hr/> 33,811 45	<hr/> 38,770 71	<hr/> 59,161 82	<hr/> 50,787 45	<hr/> 71,492 91	<hr/> 86,397 05	<hr/> 358,233 41

DANIEL M. RIGGS, Cashier.

*Bank of the State of Alabama, Tuscaloosa, Nov. 9, 1831.*

*To the Hon. the Senate and House of Representatives of the State of Alabama:*  
In conformity with the provisions of an act entitled, “an act to establish a board of internal improvement for the State of Alabama,” approved 15th January, 1830, I have the honor herewith to submit an exhibit of the receipts and disbursements of the funds, subject to the order of the President and Directors of said board, for the year ending 9th November inst.

By balance subject to their order, as per last report..... \$10,560 59  
 " Cash received, being annual dividend paid by the Bank of the State  
 of Alabama, on the stock of the three per cent. fund..... 12,503 85

\$23,064 44

## DISBURSEMENTS.

To cash paid	G. S. Gaines, omitted in last report.....	\$00 40
" "	John Vining.....	100 00
" "	Charles Tate .....	92 00
" "	Wm. L. Antony.....	91 00
" "	Smith & Scott.....	1 50
" "	Wiley, McGuire & Henry.....	20 00
" "	D. E. Watrous .....	74 00
" "	J. Winston.....	44 00
" "	R. S. Inge.....	5 00
" "	Dade Missey.....	3 00
" "	Peyton King.....	74 40
" "	T. G. Newbold.....	60 00
" "	D. Coleman.....	60 00
" "	H. Center.....	60 00
" "	S. Strudwick.....	108 00
" "	Wm. Young.....	108 00
" "	Wm. Nichols.....	1,892 23
" "	D. Woodruff.....	90 31
		<u>—2,883 84</u>

Balance subject to the order of the board ..... \$20,180 60

DANIEL M. RIGGS, *Cashier.*

*Bank of the State of Alabama, Tuscaloosa, Nov. 9, 1831.*

Which, on motion of Mr Hogan, was laid on the table, and one hundred copies thereof ordered to be printed.

A message was received from the House of Representatives, which is as follows, viz: Mr President—I am instructed to inform the Senate, that Messrs Riddle, Erwin and Moffett, have been appointed a committee by the House of Representatives, to act jointly with such committee as may be appointed by the Senate, for the purpose of examining into and reporting upon the situation and condition of the Treasurer's and Comptroller's offices.

Mr Hogan moved to appoint a committee for the same purpose on the part of the Senate; whereupon Messrs Edmondson, Smith and Lawler were appointed a committee on the part of the Senate. *Ordered* that the Secretary acquaint the House of Representatives therewith.

Mr Hogan presented the following resolution: *Resolved* that the military committee be instructed to inquire into the expediency of having the arms of the State removed to a place of more security; which was adopted.

Mr M'Elderry presented the petition of Mary Sibbie; which was referred to the committee of propositions and grievances.

Mr Barclay presented the petition of Daniel Clayton and William Price, for compensation for apprehending and pursuing a felon; which was referred to the committee on propositions and grievances.

Mr Powell presented the account of Elias Jenkins, for services, &c. to the supreme court; which was referred to the committee on accounts and claims.

Mr Hemphill introduced a bill to be entitled an act to regulate the rates of wharfage in the city of Mobile; which was read and made the order of the day for a second reading on to-morrow.

Mr Coopwood introduced a bill to be entitled an act to set apart and provide for a special fund, for the establishment of primary schools in each county in the State; which was read and made the order of the day for a second reading on to-morrow.

Mr Abercrombie introduced a bill to be entitled an act in relation to slaves and for other purposes; which was read, and the constitutional rule dispensed with; it was read a second time and referred, on motion of Mr Abercrombie, to a select committee, consisting of Messrs Abercrombie, Hogan and Walthall.

Mr Bridges presented the following resolution: *Resolved*, that the Senate will, this day at the hour of 11 o'clock, proceed to the election of a committee on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, for the purpose of examining the affairs of the Bank of the State of Alabama, pursuant to the provisions of an act entitled an act to amend the charter of the Bank of the State of Alabama, and that the House of Representatives be informed thereof; which was adopted.

Mr Irwin of H. introduced a bill to be entitled an act to authorize Thomas M'Donald to collect toll on a bridge across the Conecuh river; which was read and made the order of the day for a second reading on tomorrow.

Mr Bridges presented the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt; which was adopted.

Mr Smith moved that the Senate proceed to elect a committee to act jointly with such committee as may be appointed on the part of the House of Representatives, for the purpose of examining into the affairs of the Bank of the State of Alabama, which motion prevailed; whereupon Messrs Hogan, Walthall and Edmondson, were elected.

Mr Smith moved to take from the table the Governor's message, and that the Senate go into committee of the whole.

The Senate resolved itself into a committee of the whole on the Governor's message, Mr Smith in the chair; and after some time spent in the consideration thereof, the committee rose, Mr President resumed the chair, and Mr Smith reported the following resolutions:

1 *Resolved*, that so much of the Governor's message as relates to the University, be referred to the committee on education.

2 *Resolved*, that so much of the Governor's message as relates to the local Banks, be referred to the committee on the State Bank.

3 *Resolved*, that so much of the Governor's message as relates to the United States' Bank, be referred to a select committee, consisting of Messrs Hogan, Morton and Lawler.

4 *Resolved*, that so much of the Governor's message as relates to the tariff, be referred to a select committee, composed of Messrs Abercrombie, Lawler and Erwin of G.

5 *Resolved*, that so much of the Governor's message as relates to the connexion of Tennessee and Coosa waters, be referred to a select committee, composed of Messrs Pickett, Conner and Perry.

6 *Resolved*, that so much of the Governor's message as relates to a railroad around the Muscle Shoals, be referred to a select committee, composed of Messrs Coopwood, M'Elderry and Edmondson.

7 *Resolved*, that so much of the Governor's message as relates to a separate Supreme Court, be referred to the committee on the judiciary.

8 *Resolved*, that so much of the Governor's message as relates to a penitentiary, be referred to a select committee, consisting of Messrs Powell, Vining and Walthall.

9 *Resolved*, that so much of the Governor's message as relates to Indian affairs, be referred to the committee on Indian affairs.

10 *Resolved*, that so much of the Governor's message as relates to the State Capitol, be referred to the committee on the State Capitol

11 *Resolved*, that so much of the Governor's message as relates to the public arms, be referred to the military committee.

12 *Resolved*, that so much of the Governor's message as relates to the land commissioners, be referred to a select committee, composed of Messrs Pickett, Coopwood and Barclay.

13 *Resolved*, that so much of the Governor's message as relates to the crimes of forgery and counterfeiting, be referred to the committee on the judiciary.

The Senate then proceeded to the orders of the day; when the bill for the speedy trial of slaves, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to establish a permanent road from the town of Tuscaloosa to the Mississippi State line, was read a second time and referred to a select committee, consisting of Messrs Anderson, Powell and Walthall.

A bill to form a new regiment in the county of Pickens; which was read a second time. Mr Anderson moved to amend the bill by inserting a new section therein, viz: *Be it enacted*, that the election for officers in said regiment, shall be held by the persons, and in such manner as is now prescribed by law for the election of military officers, and shall be organized in the same manner as is now prescribed by law: *Provided*, that said election shall be held on or before the fourth Saturday in March next; which amendment was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

A bill to attach a portion of the county of Pike to the county of Henry, was read a second time, ordered to be engrossed and read a third time on to-morrow.

A bill to be entitled an act to repeal the act to establish a board of internal improvement for the State of Alabama, was read a second time; and on motion of Mr Hogan, referred to the committee on inland navigation.

A bill to be entitled an act to establish a penitentiary; which was read a second time and referred to the committee on that part of the Governor's message which relates to the penitentiary system.

The resolution, inquiring into the expediency of establishing a Branch of the State Bank in the Tennessee Valley, together with the amendment of Mr Irwin of H. to strike therefrom the words *Tennessee Valley*, was taken up. Mr Pickett moved to amend the amendment, by striking out all after the word *resolved*, and inserting the following resolution:—*Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of increasing the capital stock of said Bank, by the sale of State stock, to an amount sufficient to authorize the establishment of a Branch of said Bank; which amendment was rejected. The question was then taken on Mr Irwin's amendment to strike out the words *Tennessee Valley*, and the Senate refused to strike out. Mr Lawler moved to amend the resolution by adding thereto, after the words *Tennessee Valley*, the following, viz: Or such other point within the State as they may think most advisable; which was adopted, and the resolution so amended was adopted.

The resolution to memorialize Congress on the subject of the public lands, was taken up; when Mr Morton moved to amend the resolution by adding thereto, and also of giving the occupants a preference to one quarter section of land at the minimum price. Mr Coopwood moved to amend

the amendment, by striking out all after the word *resolved*, and inserting the following, viz: That a special committee be appointed to prepare a suitable memorial to the Congress of the United States, in favor of a discontinuance of the present mode of disposing of the public lands at auction, as unequal, unjust, oppressive and unprofitable to the government, and instead of the sale thereof by entry, to give a preference to the settler to enter from forty acre tracts upwards to one section, and reducing the prices at fixed periods until sold, always giving a preference to the settler for a reasonable time at the reduced prices; and for a relinquishment to the State, by the United States, of all the lands which have once been offered and not sold, for the purposes of education. On motion of Mr Smith, the resolution and amendments was ordered to lie on the table until to-morrow.

The resolution extending the jurisdiction of the State into the Cherokee nation of Indians was taken up. Mr Morton moved to amend the resolution, by inserting after the word *Cherokee*, the words *Chickasaw and Choctaw*; which amendment was received by the Senate, and the resolution was adopted.

Mr Erwin of G. introduced a bill to be entitled an act to organize a separate Supreme Court; which was read and ordered to a second reading on Monday next.

Mr Hemphill offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of the Senate and House of Representatives electing the Cashier, Teller and Bank Attorney of the State Bank, and that they report by bill or otherwise; which was adopted.

A communication in writing was received from the Governor, by Mr Thornton, Secretary of State, as follows:

*To the Honorable the President and Members of the Senate:*

Gentlemen—I am requested to lay before your honorable body resolutions and documents of the State of Maine, in relation to the north eastern boundary of said State, and of the United States, which I have received and communicated to the House of Representatives. I have the honor to be very respectfully, your obt. servt. **SAMUEL B. MOORE.**

The Senate then adjourned until 10 o'clock to-morrow.

*Friday, Nov. 25.*—The Senate met according to adjournment.

A message was received from the House of Representatives by Mr Van Dyke, viz: Mr President—the House of Representatives did on yesterday adopt the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses will, at 10 o'clock to-morrow, assemble in the Representative Hall, and proceed to enumerate and ascertain the number of votes given for Governor, waiving all informalities in the different returns of sheriffs, provided that they are properly certified by the returning officers of the different counties; in which resolution the Senate concurred, after amending the same by striking out the word *to-morrow*, and inserting the words *this day*.

Mr Powell presented the account of Elias Jenkins; which was referred to the committee of accounts and claims.

Mr Bridges, from the select committee to whom the subject was referred, reported a bill to be entitled an act for the relief of William Proctor; which was read and made the order of the day for a second reading on to-morrow. The yeas and nays being desired on the passage of the bill to its second reading, were, Yeas 15—Nays 6.



Those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Morton, Perry, Powell, Smith, Vining and Walthall.

Those who voted in the negative are, Messrs Hemphill, Hogan, Irwin of H. Lawler, M'Elderry and Pickett.

Mr Coopwood presented the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of reorganizing the judiciary of this State, by confining the several circuit judges to their circuits, unless they alternate by their own agreement, and by abolishing the county courts so far as relates to their common law jurisdiction; and providing for three terms of the circuit court in each county annually; and reducing the salaries of the circuit judges hereafter to be elected in proportion to the reduction from their present labors; and by establishing or providing for a solicitor for each county in the State, whose duty it shall be to attend to the county business, with leave to report by bill or otherwise; which was referred to the committee on the judiciary.

Mr Pickett introduced a bill to be entitled an act to increase the capital stock of the State Bank of Alabama; which was read and made the order of the day for a second reading on to-morrow.

Mr Anderson introduced a bill to be entitled an act to reduce the salaries of the judges of the circuit courts in certain cases; which was read and made the order of the day for a second reading on to-morrow.

Mr Hogan offered the following resolution: *Resolved*, that the committee on the State Printing be instructed to report to the Senate, whether the State Printer has faithfully performed his duty for the year 1851, and also at what time his term of service expires; which was adopted.

Mr Abercrombie offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of removing a part of the arms belonging to the State to the town of Montgomery, with leave to report by bill or otherwise; which was adopted.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to authorise Thomas M'Donald to collect toll on a bridge across Conecuh river, was taken up and read a second time, and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to set apart and provide a special fund for the establishment of preparatory schools in each county in this State, was read a second time and referred to the committee on education.

A bill to regulate the rates of wharfage in the city of Mobile, was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act to form a new regiment in the county of Pickens, was read a third time and was amended by filling the blank therein, with the words *the 29th regiment of the 5th brigade and 2d division*; and then passed the Senate. *Ordered*, that the title of the act be as aforesaid. *Ordered*, that the bill be certified and sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to attach a part of the county of Pike to Henry county, was read a third time and passed the Senate. *Ordered*, that the title be as above. *Ordered*, that the bill be certified and sent to the House of Representatives for their concurrence.

Mr Bridges' resolution to memorialize the Congress of the United States on the subject of the public land, was adopted; the amendment of Mr Morton, and the amendment of Mr Coopwood to the amendment, having been previously withdrawn. Mr President appointed Messrs Bridges, Coopwood and Morton a select committee to draft the said memorial.

Mr Coopwood introduced a bill to be entitled an act supplementary to an act to be entitled an act for the improvement of the Tennessee river and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Barclay introduced a bill to be entitled an act for the relief of William J. Price; which was read and made the order of the day for a second reading on to-morrow.

Mr Powell introduced a bill to be entitled an act to exempt from taxation, the several churches in the town of Tuscaloosa dedicated to religious worship; which was read and ordered to a second reading on to-morrow.

Mr Coopwood offered the following resolution: *Resolved*, that the special committee appointed to report a memorial to Congress in relation to the public lands, be instructed to incorporate in said memorial an application for a discontinuance of the present mode of disposing of the public lands at auction, as unequal, unjust, oppressive and unbeneficial to the government; and instead of the sales thereof by entry, giving a preference to the settler to enter from forty acres tract upwards to one section, and reducing the prices at fixed periods until sold, always giving preference to the settler for a reasonable time at the reduced prices; and for a relinquishment of the claims of the General Government, to the States, for the purposes of education; when once offered and not sold; which was adopted.

A message from the House of Representatives, by Mr Van Dyke: Mr President—The House of Representatives concur in the amendment of the Senate, to the resolution proposing that the two Houses shall convene in the Representative Hall, for the purpose of examining and ascertaining the votes given for Governor at the last general election in this State; which was ordered to lie on the table.

Mr Bridges offered the following resolution: *Resolved*, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to draft and to report to their respective Houses, rules for the government of the two Houses when assembled together, as also on the subject of the intercourse between the two Houses; which was read and adopted; and Messrs Bridges, Lawler and Powell were appointed said committee. *Ordered*, that the Secretary acquaint the House therewith.

A message from the House of Representatives, by Mr T. N. Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House of Representatives is now ready to receive them in the Hall for the purpose of examining and publishing the votes given for Governor of this State at the last general election; whereupon the Senate repaired to the Hall of the House of Representatives and took their seats. Mr Speaker proceeded to open and publish the returns from the several counties from which returns had been received; which having been done, Mr Speaker declared John Gayle, Esq. to have received 14,843 votes, Nicholas Davis, Esq. to have received 8,137 votes, and Samuel B. Moore, Esq. to have received 3,643 votes: Mr Speaker, therefore, arose and announced that John Gayle, Esq. was duly and constitutionally elected Governor of the State of Alabama for the ensuing two years; and then the Senate withdrew to the Senate Chamber.

*Resolved*, that the committee on the judiciary be instructed to inquire into the legal right of the purchasers of donation lands to the remission of interest upon the debt now remaining unpaid said land, and that they report



the result of their inquiries to the Senate; which was adopted.

Mr Bridges moved to take from the table the documents accompanying the Governor's message; when resolutions from the State of Massachusetts, in relation to a more perfect organization of the militia under the authority of the United States, was taken up and referred to the military committee. Resolutions from the State of Vermont, in relation to communications from the States of Georgia, Connecticut and Louisiana, on the subject of proposed amendments to the Constitution of the United States; which was referred to the judiciary committee. Resolutions from the State of Maine, on the subject of internal improvement, were taken up and referred to the committee on inland navigation. Resolutions and reports of the State of Connecticut, upon the constitution and the judiciary of the United States, were taken up and referred to the committee on the judiciary. Resolutions from the State of Delaware, in relation to the public lands of the United States, were referred to the committee for memorializing Congress. Resolutions from the State of Delaware, relative to the tariff of the United States, were referred to the committee on that part of the Governor's message relating to the tariff. Resolutions of the State of Delaware, in relation to the amendments to the constitution of the United States, were referred to the judiciary committee. Resolutions of the State of Delaware, in relation to resolutions from the State of Alabama, nominating Andrew Jackson for President, were ordered to lie on the table. The report of Mr Berrien was taken up and referred to the committee on the tariff. Resolutions from the State of New Hampshire, relative to the more perfect organization of the militia of the several States, were taken up and referred to the committee on military affairs. Resolutions from the State of Massachusetts, relative to the integrity and permanency of our civil institutions, were ordered to lie on the table. Resolutions from the State of Ohio, in relation to the constitutional power of Congress to appropriate money to aid the colonization society, were ordered to lie on the table.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that a committee of three members be appointed to act with such committee as may be appointed on the part of the Senate, to wait on John Gayle, Esq. Governor elect, and inform him that the two Houses of this General Assembly have this day in the Representative Hall, proceeded to count the votes given at the late August election, and that upon such count, it has been published by the Speaker, that he has been constitutionally elected Governor of the State of Alabama for the succeeding term of two years from his installation, and until his successor shall be duly qualified, and to inform this House when it will be convenient for him to take the oaths of office. The House have appointed a committee on their part, consisting of Messrs Abernathy, M'Vay and Hays.

*Ordered*, that the Senate concur in the resolution; whereupon Messrs Bridges, Hogan and Erwin of G. were appointed a committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House therewith.

Mr Lawler introduced the following resolution: *Resolved*, that the Senate will, with the concurrence of the House of Representatives, convene in the Hall of the House for the purpose of electing two members of the board of internal improvement, to fill the vacancy occasioned by the resignation of Charles Tate, Esq. and Doctor Payton King; which was adopted. *Ordered*, that the Secretary acquaint the House therewith.

And then the Senate adjourned until half past 2 o'clock.

The Senate met according to adjournment.

Mr M'Elderry offered the following resolution, viz: *Resolved*, that a special committee be appointed to draft and report to the Senate, a suitable memorial to the Congress of the United States, asking that the holder of any land certificate, upon which one fourth part of the purchase money has been paid and the land since forfeited to the general government, may be refunded the amount so paid either in money or a certificate of scrip, receivable for any public lands hereafter to be sold; which was adopted: whereupon, Mr President appointed Messrs M'Elderry, Bridges, Coopwood and Morton, said committee.

A message was received from the House of Representatives by Mr T. N. Van Dyke, as follows: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, the the Senate be now informed that this House is now ready to receive them in their Hall for the purpose of electing judges of the county courts for the counties of Jefferson, Marengo, Wilcox, Henry, Dale and Dallas.

On motion of Mr Smith, the Senate repaired to the Hall of the House of Representatives and took their seats.

The two Houses then proceeded to the election of a judge of the county court of Jefferson: John Brown (red) being in nomination. For Brown 89.

Those who voted for Mr Brown are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

John Brown having received all the votes given, was declared by Mr Speaker to be duly elected judge of the county court of the county of Jefferson.

The two Houses then proceeded to the election of a judge of the county court of the county of Wilcox: John W. Wilson being in nomination.—For John W. Wilson 92.

Those who voted for Mr Wilson are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill; Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Tarrant, Toulmin, Watkins, Ward, Walker, Wilkinson.

John W. Wilson having received all the votes given; was declared duly elected judge of the county court of Wilcox county.

The two Houses then proceeded to the election of a judge of the county court of the county of Marengo: Shelly Corzine being in nomination.—Corzine 90.

Those who voted for Mr Corzine are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Erwin of G. Edmondson, Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert,

Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

Shelly Corzine having received all the votes given, was declared by Mr Speaker duly elected judge of the county court of Marengo county.

The two Houses then proceeded to the election of a judge of the county court of the county of Henry: John H. Gilmore being in nomination.— For Gilmore 90 votes.

Those who voted for Mr Gilmore are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, and Wilkinson.

Mr Gilmore having received all the votes given in, was declared by Mr Speaker to be duly elected judge of the county court of the county of Henry.

The two Houses then proceeded to the election of a judge of the county court of the county of Dale: William Harper being in nomination.— Mr Harper received 90 votes.

Those who voted for Mr Harper are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Mr Harper having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Dale county.

The two Houses then proceeded to the election of a judge of the county court of Dallas county: Richard S. Clinton being in nomination, received 90 votes.

Those who voted for Mr Clinton are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Mr Clinton having received all the votes given, was declared by Mr Speaker to be duly elected judge of the county court of the county of Dallas:— Whereupon, the Senate withdrew to the Senate Chamber, and Mr President resumed his chair

The joint select committee who were appointed to wait on his Excel-

lency the Governor elect, to inform him that he was duly elected Governor of the State of Alabama, and to inquire of him when it would suit his convenience to take the oaths of office, have performed that duty, and have received for answer that he will be ready to be inaugurated on to-morrow at the hour of twelve o'clock.

Mr President announced a communication from George W. Crabb, comptroller of public accounts, as follows.

COMPTROLLER'S OFFICE, TUSCALOOSA, Nov. 25, 1831.

To the Hon. the President of the Senate:

SIR—I respectfully submit through you to the honorable body over which you preside, the accompanying exhibit, as a full expose of the disbursements from the contingent fund, required of me within the first week of the session of the Legislature, by the act of the 12th of January, 1827.

I have the honor to be, your ob't serv't.

GEORGE W. CRABB, *Comptroller P. A.*

AN EXHIBIT of the state of the fund appropriated to defray the contingent expenses of the State Government, shewing the disbursements therefrom since the 19th day of November, 1830; to whom paid; and for what services.

*The Revenue Fund in account with the Contingent Fund.*

DR.

Nov. 19. 1830.	To balance of previous appropriations, on this day unexpended	-	-	-	\$6,384 51½
----------------	---	---	---	---	-------------

CR

Nov. 20, 1830.	By warrant to Cha's Lewen, Sen. for cleaning and oiling the public arms	-	215	80	
" 22, " " "	Dade Massey, for cleaning and putting down carpet for the Governor		5		
" 26, " " "	Gabriel Moore, for postage in 1829		115		
					<u>335 80</u>
" " " "	Balance this day unexpended	-	-	-	6,048 71½
" 30, " " "	warrant to Wm. L. Antony, for 11½ day's writing for the Governor	-	46		
Dec. 15, " " "	D. Farris, for publishing executive proclamations	-	15		
" 22, " " "	D. Woodruff, for stationary furnished the executive office in 1830	-	140		
Jan. 10, 1831. " " "	H. Perkins, for wood furnished the executive office in 1830	-	26	34½	
" 10, " " "	J. G. Carroll, for postage and stationary, as Adj. General	-	16	50	
" 17, " " "	Wm. L. Antony, for 12 day's writing in the executive office	-	48		
" 18, " " "	G. W. Crabb, for stationary and candles used in the Treasurer and Comptroller's office	-	19		
Feb. 2, " " "	Hutchison & Craighead, a fee as counsel for the State, in the supreme court, in the case of Dale vs. the Governor	-	600		
" 17, " " "	Sims & Scott, for stationary furnished the executive	-	4		
March 19, " " "	N. Norwood, for riding express to Bellefonte	-	55		
" 22, " " "	A. P. Baldwin, for stationary furnished the Comptroller's office in 1828	-	10	50	
April 1, " " "	G. Moore, for postage on official communications	-	12		
" 12, " " "	A. Lynch, for boxes furnished the sec'y of State, and for assisting to pack them	-	7	12½	
" 21, " " "	J. Nash, for distributing the acts of Congress and Infantry Tactics	-	40		

May 14, " " "	D. Fulton, for publishing resolutions proposing biennial sessions of the Legislature - - - - -	70
" 24, " " "	E. Parker, for distributing the laws of Ala. acts of Congress, Infantry Tactics and Stewart's Ala. Rep. to Fayette, Pickens and Marengo co. -	15
" " " " "	H. Perkins, for wood furnished the executive office the first quarter of 1831	22 50
" " " " "	H. A. Snow & Co. for 5 copies of Elliot's Debates on the Federal Constitution	70
June 7, " " "	T. H. Wiley, for distributing the laws of Ala. acts of Congress, Infantry Tactics and Stewart's Ala. Reports to 11 counties - - - - -	105
Sept. 2, " " "	J. I. Thornton, for furniture and stationery for the sec'y's office, and drayage	13 87½
" 15, " " "	J. B. Pass, for the expenses of an express to Cahawba - - - - -	50
Oct. 11, " " "	H. Colbert, for apprehending J. Caldwell and delivering him into the proper custody - - - - -	100
" 19 " " "	M'Pherson & Winslow, for apprehending and delivering E. Duke into the proper custody - - - - -	300
Nov. 1, " " "	C. Lewin, for freight and drayage of public arms - - - - -	247 50
		<hr/> 2,033 34½

" 25, " Balance this day unexpended - - - - - \$4,015 36¼  
*Comptroller's Office, Nov. 25, 1831. GEO. W. CRABB, Compt.*

Which was ordered to lie on the table and 100 copies to be printed.

Mr Hogan offered the following resolution, viz: *Resolved*, that three members be appointed on the part of the Senate, for the purpose of waiting on his Excellency the Governor, when the hour of 12 o'clock shall have arrived on to-morrow, and to inform him that the two Houses are then ready to receive him in the Representative Hall, for the purpose of witnessing the administration of the oaths of office; and that said committee act with such committee as may be appointed on the part of the House of Representatives. *Ordered*, that the secretary acquaint the House therewith.

Mr President announced the following standing committees: On so much of the Governor's message as relates to the United States' Bank: Messrs Hogan, Morton and Lawler. So much as relates to the railroad round the muscle shoals: messrs Coopwood, m'Elderry and Edmondson. So much as relates to the penitentiary: messrs Powell, Vining and Walthall. So much as relates to the land commissioners: messrs Pickett, Coopwood and Barclay. So much as relates to the tariff: messrs Abercrombie, Lawler and Erwin of G. So much as relates to the connection of the Tennessee and Coosa waters: messrs Pickett, Conner and Perry.

The Senate adjourned until to-morrow morning ten o'clock.

*Saturday, Nov. 26.*—Senate met according to adjournment.

Mr Hogan presented the memorial of George F. Sallee, accompanied with a bill to be entitled an act to quit the claim and title to certain property in the city of Mobile therein named; which was referred to the committee on the judiciary.

Mr Pickett presented the petition of Joshua Everett, praying the passage of a law to sell certain real estate therein named; which was referred to the committee on propositions and grievances.

Mr Walthall introduced a bill to be entitled an act to fix the time of con-

vening the Legislature of the State of Alabama, and for limiting the sessions thereof; which was read and made the order of the day for a second reading on Monday next.

A message from the House by Mr Van Dyke: **Mr President—The House of Representatives have adopted the following resolution, in which they request the concurrence of the Senate: *Resolved*, that the two Houses will assemble in the Representative Hall at the hour of eleven o'clock on Saturday, the 26th instant, for the purpose of electing a solicitor for the seventh judicial circuit; which was concurred in and the Secretary ordered to inform the House thereof.**

Mr Conner, a bill to be entitled an act to authorize Jesse During and Phillip Brothers to turnpike a certain road therein named, was read and ordered to a second reading of Monday.

Mr Pickett presented the claim of James H. Gormon of the county of Autauga; which was referred to the committee on claims.

A bill to be entitled an act amendatory to the laws concerning divorce; which was read and ordered to a second reading on Monday next.

Mr Hogan offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of amending the Bank Charter, so as to require the Board of Directors to change the time of making discounts between the 1st and 25th December in each and every year; which was adopted.

Mr Lawler offered the following resolution: *Resolved*, that the president of the board of internal improvement be respectfully requested to lay before the Senate, such information as he may possess in relation to the practicability and expediency of improving the navigation of the Coosa river, and of connecting by canal or railroad, the waters of the Tennessee with the waters of the Coosa; and further, that said president furnish the Senate with such information as may be in possession of said board, in relation to the practicability and expediency of constructing a railroad from the mouth of Beaver creek, on the Coosa river, to some point on the Alabama river; which was adopted.

Mr Morton offered the following resolution, viz: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of reducing into one, the several acts regulating the fees of attorneys, clerks of courts, sheriffs, justices of the peace and constables, &c. and that the committee be also instructed to inquire into the expediency of reducing the fees of the several officers, with leave to report by bill or otherwise; which was adopted.

The Senate then proceeded to the orders of the day. The bill to exempt from taxation, the several churches in Tuscaloosa dedicated to religious worship, was taken from the table and read a second time.—Mr Perry moved to amend the bill by striking out the word "Tuscaloosa," in the first section, and inserting in lieu thereof *this State*; which amendment was adopted, and the bill ordered to be engrossed and read a third time on Monday next.

A bill to be entitled an act for the relief of William J. Price, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act supplemental to an act entitled an act for the improvement of the Tennessee river and for other purposes, was read a second time and referred to the committee on inland navigation.

A bill for the relief of William Proctor. Mr Hogan moved to postpone



the bill indefinitely; which was lost. Mr Coopwood moved to refer the bill to a select committee; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Barclay, Coopwood, Edmondson, Hemphill, Morton, Perry, Smith.

Those who voted in the negative are, Messrs President, Bridges, Conner, Dupuy, Erwin of G. Hogan, Irwin of H. Lawler, M'Elderry, Pickett, Powell, Vining, Walthall.

Mr Perry moved that the bill be engrossed and made the order of the day for a third reading; which was lost, and the bill rejected. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Morton, Perry, Walthall.

Those who voted in the negative are, Messrs President, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Pickett, Powell, Smith, Vining.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution, viz: *Resolved*, that the Senate be now informed that the House of Representatives are now ready to receive them in the Hall of the House for the purpose of electing a solicitor for the seventh judicial circuit of the State of Alabama. They have also concurred in the resolution of the Senate, appointing a committee to wait on the Governor elect when the hour of twelve shall arrive this day, and inform him that the two Houses are ready to receive him in the Representative Hall for the purpose of witnessing the administration of the oaths of office; and have amended the same by adding after the word "Senate," the words "to act with such committee as may be appointed on the part of the House of Representatives," in which amendment they request the concurrence of the Senate. The House of Representatives have appointed as such committee on their part, messrs Abernathy, M'Vay and Hays.

In which amendment and resolution, the Senate concurred.

The Senate then repaired to the House of Representatives, took their seats and proceeded to the election of a solicitor for the seventh judicial circuit: James Davis and Rufus K. Anderson being in nomination.—Davis 32—Anderson 39.

Those who voted for Davis are, Messrs Barclay, Bridges, Coopwood, Dupuy, Edmondson, Erwin of G. Hogan, Irwin of H. M'Elderry, Morton, Pickett, Smith, Vining. Reps. Abernathy, Augustus, Boyd, Campbell, Drish, Erwin, Faulk, Farrar, Goodwin, Hays, Hollis, Hubbard, Johnston, Kilpatrick, King of M. Lockhart, Loyd, M'Affee, McCollum, M'Dialey, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabers, Norwood, Oliver of C. Payne, Philpot, Rather, Shearer, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Wilkinson.

Those who voted for Mr Anderson are, Messrs President, Abercrombie, Conner, Hemphill, Lawler, Perry, Powell Walthall. Reps. Messrs Speaker, Acklen, Baker, Carroll, Cozz, Craig, Deltit, Fontaine, Foster, Gilbreath, Goyne, Hall of B. Harris, Herbert, Hickman, Keener King of P. Lane, Lea, Oliver of M. Paul, Peete, Riddle, Ross, Sugely, Saunders of D. Saunders of L. Shackleford Swink, Stephens, Watkins.

Mr Speaker declared that upon casting up the votes given, mr Davis had fifty two votes, mr Anderson thirty nine. Mr Davis was therefore duly elected solicitor of the seventh judicial circuit: whereupon the Senate retired to the Senate Chamber, and mr President resumed his seat.

The Senate resumed the orders of the day; when a bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, was read a second time and referred to the committee on the State Bank.

A bill to reduce the salaries of the circuit judges in certain cases, was read a second time and referred to the committee on the judiciary.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following reso-

lution: *Resolved*, that the Senate be now informed that the House of Representatives are now ready to receive them in their Hall, for the purpose of witnessing the inauguration of the Governor elect.

On motion of mr Smith, the Senate repaired to the Hall of the House of Representatives, and having taken their seats, his Excellency John Gayle appeared and delivered an appropriate address to both Houses of the General Assembly; after which the oaths prescribed by the Constitution were severally administered to him in due form: And the Senate withdrew to the Senate Chamber, mr President resumed his seat.

And the Senate adjourned until Monday morning 10 o'clock.

*Monday, Nov. 28, 1831.*—The Senate met pursuant to adjournment.

Mr Morton presented the memorial of sundry citizens to South Florence in the county of Franklin, upon the subject of a railway; which was on motion of mr Morton, referred to the select committee on that part of the Governor's message which relates to a railroad around the Muscle Shoals.

Mr President presented the report of the commissioners of the Tennessee canal with the accompanying documents contained in the appendix, marked B. and A. Mr Morton moved to lay it on the table, and that 300 copies thereof be printed; which was adopted.

Mr Hogan presented the petition of a number of the citizens of Mobile, praying the Legislature to establish four mechanics in the city of Mobile as a committee of reference, &c. which was referred to a select committee consisting of messrs Hogan, Coopwood and Lawler.

Mr Morton from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to authorize Thomas M'Donald to collect toll on a bridge across Conecuh river, reported the same without amendment; which bill was ordered to be engrossed and made the order of the day for a third reading on to-morrow.

Mr Irwin of H. from the military committee, to whom was referred the petition of sundry citizens of Dale county, reported a bill in conformity with the prayer of the petitioners, entitled a bill to be entitled an act to divide the forty-sixth regiment of the State, composed of the counties of Covington and Dale; which report was concurred in and the bill was read the first time and ordered to a second reading on to-morrow.

Mr Bridges introduced a bill to be entitled an act to amend an act entitled an act to suppress the evil practice of duelling; which was read and made the order of the day for a second reading on to-morrow.

Mr Smith offered the following resolution: *Resolved*, that a committee be appointed to wait on his Excellency John Gayle, and request of him a copy in writing, of his inaugural address as delivered by him on Saturday the 26th instant in presence of the two Houses of the General Assembly, and that the same be spread upon the journals of the Senate; which was adopted: whereupon, mr President appointed messrs Smith, Vining and Edmondson said committee.

Mr Perry presented the petition of a large number of the citizens of the county of Dallas, favorable to the establishment of a Bank in the city of Mobile, to be called the Planter's Bank; which, on motion of mr Perry, was referred to the committee on the State Bank.

Mr Irwin of H. introduced joint resolutions to be entitled, joint resolutions proposing to amend the Constitution of the State of Alabama, so as to permit the Legislature thereof to lay off the several judicial circuits in such manner as will best promote the interest and convenience of the people of the said State; which was read the first time and made the order of the day for a second reading on to-morrow.



Mr Perry offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of reducing the size of the several divisions of the militia of this State, as well as the brigades: and also to report such other alterations as may tend to the better organization of the same; which was adopted.

The Senate then proceeded to the orders of the day: when an engrossed bill to be entitled an act for the relief William J. Price, was taken up, read a third time and ordered to lie on the table.

The engrossed bill entitled an act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship, was taken up, read a third time and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The bill to establish a separate supreme court was taken up and read a second time; and on motion of Mr Erwin of G. was referred to the judiciary committee, and fifty copies thereof ordered to be printed for the use of the Senate.

A bill to be entitled an act to authorize Jesse During and Philip Brothers to turnpike a certain road therein mentioned, was read a second time and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act for fixing the time for convening the Legislature of the State of Alabama and for limiting the sessions thereof, was read a second time. Mr Hogan moved to strike out the word "December," and insert the word "November." Mr Smith moved to lay the bill on the table; which was lost. Mr Irwin of H. called for a division of the Senate upon the motion to strike out and insert. Mr Hogan moved to refer the bill to a special committee; which was lost. The question then recurred on the motion to strike out; which was lost. Mr Hogan moved that the bill be engrossed and made the order of the day for a third reading on tomorrow; which was carried.

A bill to be entitled an act amendatory to the laws concerning divorce, was read a second time and referred to the committee on the judiciary.

Mr President presented the annual report of the Treasurer of the State of Alabama; which was ordered to lie on the table and three hundred copies thereof ordered to be printed.

Mr Pickett offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of striking from the roll, all attorneys and counsellors at law, who shall hereafter be ruled and found guilty of collecting any money for their clients and fails to pay over the same as the law directs, and that they report by bill or otherwise; which was adopted.

Mr Powell offered the account of Elias Jenkins; which was referred to the committee on accounts and claims.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, Nov. 29.*—The Senate met pursuant to adjournment.

Mr Hogan presented the petition of the ship masters trading to the city of Mobile, praying the appointment of Curtis Lewis as harbour master of the port of Mobile; which was ordered to lie on the table.

Mr Hogan presented the petition of the branch and deputy pilots of Mobile on the same subject; which was ordered to lie on the table.

Mr Hogan presented the petition of sundry merchants and citizens of the city of Mobile on the same subject; which was ordered to lie on the table.

Mr Perry from the committee on the judiciary to which was referred

the resolution relative to the fees of attorneys, clerks, constables, sheriffs, &c. reported the same as inexpedient to be legislated upon. rM Morton moved that the House refer the resolution to a select committee; which was adopted: and mr President appointed messrs Morton, Bridges and Erwin of G. said committee.

Mr Pickett, from the committee on propositions and grievances to whom was referred the petition of Mary Sibrie, reported a bill granting the prayer of the petitioner, entitled a bill to be entitled an act releasing to Mary Sibrie certain real estate escheated to the State of Alabama; which was read and ordered to a second reading on to-morrow.

Mr Coopwood, from the judiciary committee to which was referred the petition of George F. Sallee, reported a bill favorable to the prayer of the petitioner entitled a bill to be entitled an act for the relief of George F. Sallee; which was read and made the order of the day for a second reading on to-morrow.

Mr Erwin of G. from the committee on the judiciary to whom was referred a bill reducing the salaries of the judges of the circuit court, reported a substitute to the same. Mr Anderson moved to strike out the balance of the first section after the word "family," and insert in lieu thereof the words *high water*. Mr Smith moved to lay the bill on the table until the first day of June next; which was lost. Yeas 2—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay, and Smith.

Those who voted in the negative are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, McElderry, Morton, Perry, Pickett, Powell, Vining, Walthall.

Mr Perry moved to lay the bill on the table until to-morrow; which motion prevailed, and the bill was accordingly laid of the table until to-morrow.

Mr Morton, from the committee on roads, bridges and ferries, to whom was referred the petition of Wm. T. Rounsaville, reported a bill for the relief of William T. Rounsaville; which was read and ordered to a second reading on to-morrow.

Mr Anderson, from the special committee to whom was referred the bill establishing a permanent road from Tuscaloosa to the Mississippi State line, reported the same by striking out the words "according to the law of the State," and by inserting the words, "have the same entered of record in the books of the respective courts." Mr Anderson reported a further amendment of two additional sections; which were concurred in, and the bill was then read and ordered to be engrossed and read a third time on to-morrow.

A message from the House of Representatives by mr Van Dyke: mr President—The House of Representatives concur in the resolution of the Senate, appointing a committee to act with such committee as may be appointed on the part of the House of Representatives, to draft and report to their respective Houses, rules for the government of the two Houses when assembled together: and also on the subject of intercourse between the two Houses. The House of Representatives have appointed on their part messrs Oliver of C. Cook and Acklen.

Mr Walthall introduced a bill to be entitled an act to provide for the drawing of an additional number of jurors and for compensating talis jurors in the county of Perry; which was read and ordered to a second reading on to-morrow.

Mr Erwin of G. introduced a bill to be entitled an act to repeal in part and amend an act to revise, consolidate and amend the several acts in re-

lation to justices of the peace and constables, passed December 27th, 1814; which was read and ordered to a second reading on to-morrow.

Mr Bridges introduced a bill to be entitled an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama; which was read and ordered to a second reading on to-morrow.

Mr Dupuy introduced a bill to be entitled an act to regulate attornyes' fees on all debts in favor of the President and Directors of the Bank of the State of Alabama, collected by law; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr President presented the annual report of the comptroller of public accounts; which was ordered to lie on the table and 300 copies thereof to be printed.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, of the following titles, viz: An act to incorporate the town of Hayneville: An act for the relief of Sterling E. Harrison: An act to change the name of a certain person therein named—In all of which they ask the concurrence of the Senate. I am also instructed to inform the Senate, that the House of Representatives have elected messrs Hubbard, Erwin and Watkins a committee, to act jointly with such committee as may be elected by the Senate, to examine into the situation of the Bank of the State of Alabama, and to report the same to their respective Houses.

The engrossed bill from the House of Representatives entitled an act to incorporate the town of Hayneville, was taken up and read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Sterling E. Harrison, was read a first time and ordered to a second reading on to-morrow.

Engrossed bill from the House to be entitled an act to change the name of a certain person therein named, was read and ordered to a second reading on to-morrow.

The Senate then proceeded to the orders of the day.

The engrossed bill to be entitled an act to authorize Thomas M'Donald to collect toll on a bridge across Conecuh river, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that the secretary acquaint the House therewith.

An engrossed bill to be entitled an act to change the time of convening the Legislature of the State of Alabama, and for limiting the sessions thereof. Mr Bridges moved to reconsider the vote given on yesterday, ordering the bill to a second reading on to-day; which motion prevailed. Mr Hogan moved to lay the bill on the table; which was lost. Mr Bridges moved to strike out the 2d section of the bill; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Bridges, Conner, Coopwood, Erwin of G. Hemphill, Hogan, Irwin of H. Morton, Powell and Vining.

Those who voted in the negative are, Messrs Abercrombie, Anderson, Barclay, Dupuy, Edmondson, Lawler, M'Elderry, Perry, Pickett, Smith and Walthall.

Mr Walthall moved to fill the blank on the first section of the bill, with the word "third;" which prevailed. Mr Pickett moved to fill the first blank in the second section of the bill with the word "fifty;" which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Barclay, Coopwood, Erwin of G. Hogan, Irwin of H. Morton, Pickett, Powell and Vining.

Those who voted in the negative are, Messrs Anderson, Bridges, Conner, Dupuy, Edmondson, Hemphill, Lawler, M'Elderry, Perry, Smith and Walthall.

Mr Dupuy moved to fill the blank with "forty-five;" which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Barclay, Conner, Dupuy, Erwin of G. Hogan, Irwin of H. Morton, Pickett and Powell.

Those who voted in the negative are, Messrs Anderson, Bridges, Coopwood, Edmondson, Hemphill, Lawler, M'Elderry, Perry, Smith, Vining and Walthall.

Mr Hogan moved to fill the blank with "forty-two;" which was lost.—Mr Lawler moved to fill the blank with the words "forty-one;" which was carried. Mr Walthall moved to fill the second blank in the second section of the bill with the words "two thirds;" which was carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Erwin of G. Hemphill, Irwin of H. Lawler, M'Elderry, Perry, Pickett, Smith and Walthall.

Those who voted in the negative are, Messrs Barclay, Coopwood, Hogan, Morton, Powell and Vining.

Mr Smith moved to amend the bill by adding thereto an additional section by way of engrossed ryder, which is as follows, viz: "*And be it further enacted*, that the present session of this Legislature shall not continue in session more than 41 days unless two thirds of the Legislature conceive that the public good requires it." Mr Coopwood moved to amend the amendment. Mr Perry moved to postpone mr Smith's amendment indefinitely, when a question of order arose: mr President declared the motion out of order, from which decision mr Perry appealed to the House: For sustaining the decision of the chair, 18: Against sustaining the chair, 3.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Lawler, M'Elderry, Morton, Pickett, Powell, Smith, Vining and Walthall.

The negative are, Messrs Abercrombie, Irwin of H. and Perry.

The question then recurred upon mr Coopwood's amendment to the amendment of mr Smith; which was to strike out all after the enacting clause and insert the following; viz: "That the present members of the General Assembly, after remaining in session thirty days shall not receive more than two dollars per diem for the next ten days; after that for the balance of the session, one dollar per day." Mr Vining moved a division of the question, when the Senate refused to strike out: so the amendment to the amendment was lost. Mr Bridges moved to amend the engrossed ryder by adding thereto an additional section, which is as follows, viz:—"*And be it further enacted*, that hereafter, members of the General Assembly of this State shall not be authorized to receive more than three dollars per day as compensation for their services;" which was lost. Yeas 10—Nays 12.

The yeas and nays being required, those who voted in the affirmative are, Messrs Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Erwin of G. Hogan, M'Elderry and Powell.

Those who voted in the negative are, Messrs President, Abercrombie, Edmondson, Hemphill, Irwin of H. Lawler, Morton, Perry, Pickett, Smith, Vining and Walthall.

Mr Hogan moved to amend the engrossed ryder by adding thereto, after the words "require it," the following, viz: "and that the members of the present General Assembly shall not receive, after the 25th of December, 1831, more than two dollars per day for the time they may remain here previous to adjournment;" which was carried. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Anderson, Barclay, Bridges, Conner, Coopwood, Erwin of G. Hemphill, Hogan, Irwin of H. M'Elderry, Morton, Powell.

Those who voted in the negative are, Messrs Abercrombie, Dupuy, Edmondson, Lawler, Perry, Pickett, Smith and Vining.

The question then recurred upon the engrossed ryder as amended; which was lost. Yeas 8—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson, Barclay, Bridges, Coopwood, Erwin of G. Hogan, Morton, Smith.

Those who voted in the negative are, Messrs President, Abercrombie, Conner, Dupuy, Edmondson, Hemphill, Irwin of H. Lawler, M'Elderry, Perry, Pickett, Powell, Vining and Walthall.

The question recurred on the final passage of the bill; which was carried in the affirmative. Yeas 18—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hogan, Irwin of H. Lawler, M'Elderry, Perry, Pickett, Smith, Walthall.

Those who voted in the negative are, Messrs Hemphill, Morton, Powell, Vining.

*Ordered*, that the title of the bill be as above, and that the secretary acquaint the House therewith.

Mr President presented a communication in writing from his Excellency the Governor, which is in the following words:

*To the Senate of the State of Alabama:*

EXECUTIVE DEPARTMENT, Nov. 29, 1831.

In answer to a resolution of the Senate of the 28th inst. requesting the President of the Board of Internal Improvement, to lay before the Senate such information as may be in possession of the Board, as relates to the practicability and expediency of improving the Coosa river, and of connecting by canal or railroad the waters of the Tennessee with those of the Coosa: and also such information as may be in possession of the Board in relation to the practicability of constructing a railroad from the mouth of Beaver Creek, on the Coosa river, to some point on the Alabama, I have the honor to state that the Board are in possession of no information required by the resolution other than that contained in the report of the President, to the General Assembly at their last session, and which I presume formed no part of the object of the resolution. It is expected that the Engineer in the service of the Board, will be prepared to report fully and satisfactorily on the several subjects of the resolution, when a sufficient number of that body for the transaction of business shall convene.

JOHN GAYLE, *Pres't Exofficio*.

A communication from his Excellency the Governor, by James I. Thornton, Secretary of State, in the following words:

*To the Senate and House of Representatives of the State of Alabama:*

EXECUTIVE DEPARTMENT, 29th Nov, 1831.

I have the honor to inform the General Assembly, that the Honorable Henry W. Taylor has forwarded to this department, his resignation of the office of judge of the county court of Monroe, to take effect from and after the 23d of December next. The judge has conceived it necessary to continue in office till that period to prevent a failure of the court, the time of holding which will arrive before his successor could be qualified. Samuel W. Mardis, Esq. has also resigned his office as Trustee of the University for the third judicial circuit. The Board of Trustees will shortly convene and it is desirable that vacancies in that body should be filled at as early a period as may meet the views of the Legislature.

JOHN GAYLE.

A bill to be entitled an act to divide the forty-sixth regiment of militia

of the State, composed of the counties of Covington and Dale, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to amend an act to suppress the evil practice of duelling, was taken up. Mr Morton moved to amend the bill by striking out all after the enacting clause. On motion of Mr Morton, the bill and amendment were referred to a select committee consisting of messrs

Joint resolutions proposing amendmets to the Constitution of the State, were taken up, read a second time and referred to the judiciary committee.

Mr Dupuy offered the following resolution, viz: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall on the 1st day of December at 12 o'clock, for the purpose of electing a Trustee of the University to fill the vacancy created by the resignation of Samuel W. Mardis; which was adopted. *Ordered*, that the secretary acquaint the House therewith.

Mr Abercrombie from the select committee to which was referred the petition of Samuel M'Culloch, reported a bill favorable to the prayer of the petitioner, entitled a bill to be entitled an act to emancipate certain slaves therein named; which was read and ordered to a second reading on to-morrow.

Mr Hogan introduced a bill to be entitled an act to amend the charter of the city of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Bridges introduced a bill to be entitled an act to establish an election precinct therein named; which was read and ordered to a second reading on to-morrow.

Mr Erwin of G. offered the following resolution: *Resolved*, by the Senate and House of Representatives, that the engineer employed by the Board of Internal Improvement be authorized and required forthwith to report to both Houses of the General Assembly, the result of his examination and survey of the Coosa river, together with any other survey or examination he may have made in the discharge of his duties as engineer; which was adopted.

Mr Hogan moved that Mr Perry be added to the military committee, which was adopted.

And the Senate adjourned until to-morrow morning 10 o'clock.

*Wednesday, Nov. 30, 1831.*—The Senate met pursuant to adjournment.

Mr Bridges presented the petition of a number of the inhabitants of Wilcox county, upon the subject of a Bank in the city of Mobile; which was referred to the committee on the State Bank.

Mr Hogan from the committee on the State Bank, to which was referred the bill to increase the capitol stock of the Bank, reported the same to the Senate with an amendment to strike out the word "500;" which was concurred in. Mr Erwin of G. moved to lay the bill on the table; which was carried.

Mr Hogan, from the same committee to which was referred the resolution inquiring into the expediency of the Legislature electing the Cashier, Teller and Bank Attorney, reported that it was inexpedient to legislate on the subject. Mr Anderson moved to disagree to the report of the committee. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Hemphill, Irwin of H. Morton, Perry and Walthall.

Those who voted in the negative are, Messrs President, Barclay Bridges, Conner,



Coopwood, Dupuy, Edmondson. Erwin of G. Hogan, Lawler, M'Elderry, Pickett, Powell, Smith and Vining..

So the report of the committee was concurred in.

Mr Morton, from the committee on roads, bridges and ferries to whom was referred the bill authorizing Jesse During and Philip Brothers to turnpike a certain road therein named, reported the same without amendment. Mr Lawler moved to lay the bill on the table; which was carried.

A Message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the resolution of the Senate, proposing that the two Houses of the General Assembly shall convene in the Representative Hall on the first day of December at the hour of 12 o'clock, for the purpose of electing a Trustee of the University, to fill the vacancy occasioned by the resignation of Sam Mardis.

Mr Morton introduced a bill to be entitled an act to revive and amend an act incorporating the Trustees of Tuscumbia Academy; which was read and ordered to a second reading on to-morrow.

Mr Powell presented the account of John J. Webster and Hiram P. Cochran; which was referred to the committee on accounts and claims.

Mr Bridges introduced a bill to be entitled an act to repeal part of an act which relates to the government of gin holders; which was read and ordered to a second reading on to-morrow.

Mr Pickett introduced a bill to be entitled an act concerning dower; which was read and ordered to a second reading on to-morrow.

Mr Smith introduced a bill to be entitled an act to secure to females covert, their estates against the debts of their husbands, and to husbands against the debts of their wives contracted before marriage; which was read and ordered to a second reading on to-morrow.

Mr Morton presented the memorial of many citizens of the county of Franklin on the subject of a railroad; which was referred to the committee on that part of the Governor's message that relates to that subject.

Mr Lawler moved to take from the table the engrossed bill authorizing Jesse During and Philip Brothers to turnpike a certain road therein named. On motion of Mr Conner, the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Anderson introduced a bill to be entitled an act in part to repeal an act to incorporate the town of Carrollton, in Pickens county, and Fayetteville, in the county of Fayette, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Hogan, from the special committee to whom the subject was referred, reported a bill to be entitled an act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers; which was read and ordered to a second reading on to-morrow.

Mr Bridges called from the table a bill to be entitled an act for the relief of William J. Price; which was read the third time and passed the Senate. *Ordered*, that the title be as above.

Mr Anderson moved to take from the orders of the day, a bill to be entitled an act to establish a permanent road from Tuscaloosa; which was taken up. Mr Hogan moved to fill the blanks in the third section with the words "700;" which was carried. The bill was then put upon its passage and rejected. Yeas 10—Nays 10.

Those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Hemphill, Hogan, Morton, Perry and Powell.

Those who voted in the negative are, Messrs Bridges, Coopwood, Edmondson, Erwin of G. Lawler, M'Elderry, Pickett, Smith, Vining and Walthall.

Mr Hemphill introduced a bill to be entitled an act to regulate the

weights and measures of the city of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Pickett offered the following resolution, viz: *Resolved*, that the judiciary committee inquire whether it would be a violation of the laws of Congress, for the Legislature of this State to pass a law authorizing the citizens thereof to purchase improvements within the chartered limits of this State that may not have been ceded by treaty: *Provided*, such sale and transfer is freely and voluntarily made: *And further*, to inquire whether it would be a violation of the laws of Congress or of this State, for an Indian to purchase real estate within that part of the State of Alabama that has already been ceded by treaty, and report by bill or otherwise; which was adopted.

Mr Coopwood introduced a bill to be entitled an act to regulate the payment for lands sold at the land office in Courtland; which was read and ordered to a second reading on to-morrow.

Mr Hogan offered the following resolution, viz: *Resolved*, that the commissioners on the State Capitol be requested to report to the Senate, what disposition they have made or intend to make of the copper taken from the roof of the Capitol, and what was originally the cost of the same; which was adopted.

The Senate then proceeded to the orders of the day: when a bill granting to Mary Sibrie certain escheated real estate, was taken up, read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill for the relief of George F. Sallee, was read a second time and ordered to be engrossed for a third reading on to-morrow, after an unsuccessful motion of mr Bridges to postpone the bill indefinitely.

A bill for the relief of William T. Rounsaville, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to provide for drawing additional jurors, and for compensating tales jurors in the county of Perry, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to repeal in part and amend an act relative to justices of the peace and constables, passed December 27, 1814; which was read a second time and referred to the committee on the judiciary.

Mr Coopwood moved to suspend the orders of the day; which motion prevailed.

Mr Coopwood offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall this day at the hour of 1 o'clock, P. M. for the purpose of electing a printer for the State, for twelve months from and after the expiration of the present term of the State printer; which was adopted. *Ordered*, that the secretary acquaint the House therewith.

Mr Dupuy offered the following resolution, viz: *Resolved*, that the military committee be instructed to inquire into the expediency of dividing the different military divisions, so as to make it convenient for the Major General to review the different brigades once in every two years, and report to the Adjutant General of the State, the condition thereof; which was adopted.

A bill to be entitled an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama; which was read a second time and referred to the committee on the State Bank.

A bill to regulate the tax fees of attorneys in all debts in favor of the President and Directors of the Bank of the State of Alabama collected by law, was read a second time and referred to the judiciary committee.

An engrossed bill to incorporate the town of Hayneville, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill for the relief of Sterling E. Harrison, was read a second time. Mr Hogan moved to amend the second section by inserting the word "interest," after the word "debt," and before the words "and cost;" which was adopted.

Mr Abercrombie moved to dispense with the constitutional rule requiring bills to be read on three several days, and that the bill be forthwith read a third time; which motion prevailed. The bill was read a third time and passed.

Engrossed bill to change the name of a certain person therein named, was read a second time and ordered to a third reading on to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the resolution of the Senate, proposing that the two Houses will assemble in the Representative Hall for the purpose of electing a printer for the State of Alabama at the hour of 1 o'clock this day.

Engrossed bill to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale, was taken up, read a third time and passed the Senate.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in their Hall, for the purpose of electing a printer for the State of Alabama:—Whereupon the Senate repaired to the Hall, took their seats, and proceeded to the election of a printer for the State of Alabama: Mr Walker, messrs Wiley, M'Guire & Henry, and messrs Robinson & Hampton being in nomination: Walker 43, Wiley, M'Guire & Henry 41, Robinson & Hampton 6.

Those who voted for Mr Walker are, Messrs Bridges, Coopwood, Edmondson, Erwin of G. Hogan, Pickett, Smith, Vining. Reps. Messrs Abernathy, Acklen, Augustus, Campbell, Erwin, Faulk, Farrar, Gilbreath, Goynes, Hays, Hickman, Hubbard, Johnston, Kilpatrick, King of M. King of P. Lane, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Norwood, Oliver of C. Payne, Riddle, Saunders of L. Swink, Snedcor, Stephens, Tarrant, Walker.

Those who voted for Messrs Wiley, M'Guire & Henry are, Messrs Abercrombie, Anderson, Barclay, Conner, Hemphill, Irwin of H. Lawler, M'Elderry, Perry, Powell, Walthall. Reps. Messrs Speaker, Baker, Boyd, Brodnax, Carroll, Cook, Dellet, Drish, Fontaine, Goodwin, Hall of B. Harris, Herbert, Hollis, Keener, Lea, Moore, Musgrove, Nabors, Oliver of M. Paul, Peet, Philpot, Rather, Ross, Rugely, Saunders of D. Toulmin, Ward, Watkins and Wilkinson.

Those who voted for Messrs Robinson & Hampton are, Messrs President, Morton. Reps. Craig, Foster, Shearer and Terrell.

Neither having a majority of all the votes given, the two Houses proceeded to vote a second time: Mr Walker, and messrs Wiley, M'Guire & Henry being in nomination: Wiley, M'Guire & Henry 47, Walker 44.

Those who voted for Messrs Wiley, M'Guire & Henry are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Hemphill, Irwin of H. Lawler, M'Elderry, Perry, Powell, Walthall. Reps. Messrs Speaker, Baker, Boyd, Brodnax, Conner, Cook, Craig, Dellet, Drish, Fontaine, Foster Goodwin, Hall of B. Harris, Herbert, Hollis, Keener, Lea, Moore, Musgrove, Nabors, Oliver of M. Paul, Peete, Philpot, Rather, Ross, Rugely, Saunders of D. Shackelford, Terrell, Toulmin, Ward, Watkins, Wilkinson.

Those who voted for Mr Walker are, Messrs Bridges, Coopwood, Edmondson, Erwin of G. Hogan, Pickett, Smith, Vining. Reps. Messrs Abernathy, Acklen, Augustus, Campbell, Erwin, Faulk, Farrar, Gilbreath, Goynes, Hays, Hickman, Hubbard, Johnston, Kilpatrick, King of M. King of P. Lane, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Norwood, Oliver of C. Payne, Riddle, Saunders of L. Shearer, Swink, Snedcor, Stephens, Tarrant, Walker.

Messrs Wiley, M'Guire & Henry having received a majority of all the

votes given, was declared duly elected State Printers for one year, from and after the time of the expiration of the term of the present printer.

When the Senat withdrew to the Senate Chamber, and mr President resumed his chair.

A bill to be entitled 'an act to emancipate certain slaves therein named; which was read a second time and referred to a select committee.

Mr Smith, from the select committee appointed to wait on his Excellency, John Gayle, to procure a copy of his inaugural address to both Houses of the General Assembly, reported that they had performed that duty, and obtained a copy thereof, which they submitted to the Senate, and is in the following words:

*Gentlemen of the Senate and House of Representatives:*

Having been elected to the office of Chief Magistrate, I appear before you to take the oaths prescribed by the Constitution of the United States and the Constitution and laws of this State.

I avail myself of the opportunity which the occasion affords, of tendering through you, to my fellow citizens, the homage of my thanks and gratitude.

The high estimate I place upon this evidence of their confidence is greatly enhanced by the consideration, that my competitors were among the most distinguished of our citizens, for intelligence and for pure and distinguished patriotism. To be preferred to such individuals, by a majority of thirty thousand freemen, for the highest office within their gift, might well be esteemed a compliment by any one, however aspiring his ambition, or elevated his pretensions.

A just diffidence in my qualifications for the station, upon the duties of which I am about to enter, admonishes me that I shall stand greatly in need of that political foresight and enlightened wisdom, which have heretofore characterized the deliberation of the General Assembly. If, from these sources the public good required that the high endowments of my predecessors should be liberally aided, there will exist with me a stronger necessity to draw upon the same fund. The harmonious co-operation of the different departments of the government is essential to the objects of its institution, and this can only be established and maintained by that frank and confiding intercourse which, while it mitigates the labors of the public service, indicates the general welfare as their common object. I shall yield to this conviction with pleasure, and I invoke a corresponding disposition on your part.

The State of Alabama is now in the thirteenth year of her political existence, and every page of her history attests how certainly and rapidly she is moving onward to take her stand by the proudest of her sisters. But a few years have passed since almost the whole of her territory was carved out from the wilderness; and the fact that her population falls but little short of four hundred thousand souls, furnishes abundant evidence of her superiority over almost any other region, in the salubrity of her climate, the fertility of her soil, and in her commercial facilities.

Though our navigable streams are numerous, and to a great extent enable our planters to carry their produce to market, free from the trouble and expense of land conveyance, yet they are susceptible of such improvements as would be of incalculable value. On our eastern border, the difficulties in the navigation of the Coosa river will claim the early solicitude and prompt attention of those who are entrusted with the management of public affairs. When the map of our beautiful State shall be filled out by the acquisition of the Indian country; in that quarter, there will be six or eight densely populated counties, covering a body of land of uncommon fertility, that will be denied the benefits of water transportation, which are enjoyed by our citizens every where else. The removal of the obstructions which impede the navigation of this stream, and the connexion of its waters with those of the Tennessee, will form an interesting era in our history. It is a work that would contribute essentially to the national defence, and its advantages in a commercial point of view are beyond the power of calculation. It is believed that Congress would not hesitate to make an appropriation of public funds, sufficient to accomplish these desirable objects, if it were requested. I am aware that the power in the general government to make appropriations of this kind, is denied by some of our citizens whose opinions are entitled to respect.—Whatever weight might have been due to this objection originally, I conceive the question it involves no longer open for serious discussion. The power has been exercised under every administration since the adoption of the federal constitution, on the most mature and deliberate consideration; and it is exceedingly to be regreted that doubts should now be raised, among ourselves, with a view of causing to be withheld from us the bounty of the government, which it is lavishing upon the other States at

every session of Congress, which it is willing to bestow on us, and of which we stand so much in need. The public lands within our limits are now rapidly disappearing through the government sales, and unless we avail ourselves of the opportunity and the means yet within our reach, we shall soon be deprived of this resource—an event greatly to be deprecated, for it will damp the hopes and destroy the agricultural prospects of a large and respectable portion of our citizens.

The first object of every government should be, to afford the citizens protection, in their great natural and inalienable rights of personal security, of personal liberty, of life, property and reputation. We are enjoined to the performance of this duty by the solemn behests of the Constitution. Wherever these rights are placed upon the best footing, wherever they are best protected from the encroachments of the strong, and the machinations of the wicked, there we find the best state of society. Vice and immorality, and all the evils which follow in their train, give place to good order, to harmony, intelligence and virtue.

Auxiliary to this great end is the education of our youth. This at least is the only true and faithful sentinel of liberty; its shield and buckler. Learning and its companions, religion, morality and virtue, like the star of the wise men in the east, is conducting man to the high and exalted destiny which awaits him. It elevates the peasant to an equality with the lord, confounds the demagogue, and renders the arm of the tyrant powerless. Already has it razed to their deep foundations, many of the institutions of the old world. It has given liberty and law to France; and is at this moment, animating and sustaining the Poles in the noblest effort for national liberty which the world has ever witnessed.

With what anxious solicitude then, should we watch over and protect the rising interests of our infant university? Its operations have been commenced under circumstances promising the happiest results. The public lands which the liberality of the general government has bestowed on us for its support, have been generally disposed of at the highest prices which, under any circumstances, they were capable of producing. The amount of these sales has been well secured, and the greater part profitably and securely invested. so that it is now as amply endowed as any similar institution in the United States. Suitable and commodious buildings have been erected, and eminent professors employed, who are already at their posts. About ninety young men are in a course of instruction, and this number will doubtless increase with the preparations for their accommodation.

These young men, and those who are to succeed them, will soon be called to hold the places we now occupy. To their hands will be committed the character and fate of the country. Should the proper and necessary attention be paid to their qualifications for these high trusts, they will honorably continue the race, already commenced with our sister republics, of national distinction and independence.

I am required by the oath I am about take, to support the Constitution of the United States, and my construction of that instrument must necessarily guide me in its observance.

The power claimed for a State to interpose its authority to prevent the execution of an act of Congress within its limits, has given rise to much intemperate discussion, and produced an excitement which threatens the harmony, if not the existence of the Union. However desirable it may be to awaken the general government to a sense of the injuries which the restrictive and prohibitory system is inflicting on the southern States, it is infinitely more important that this alarming controversy should be speedily and amicably adjusted. I say alarming, because in the opinion of many of the great and good men of our country, it will lead to the catastrophe of the republic.

On an occasion like the present, a brief outline of my opinion is all that would be proper, or could be expected.

The Constitution of the United States was established, it is true, by the people of the several States, as separate and independent communities; but it cannot be denied that the very act of its adoption, for all the purposes for which it was designed, converted them into one undivided whole. A government was formed for the people, and it acts upon them individually as members of the same extensive community. The relation which the people bear the general and state governments is striking similar.—Both originate from the same source, both operate upon the people in the same manner, and the same obedience is due to both. Each is emphatically the government of the people, and patriotism dictates that their affections should be placed as much on the one as the other. A distinguished patriot of the revolution, Patrick Henry, in remarking on the subject in a public address, observed that “a county is to a State what a State is to the Union.” The analogy is just in many respects, and particularly as it regards the rights of either to set the laws at defiance. The people of a State, being a small minority of the people of all the States, have no greater constitutional right to re-



sist the laws of the Union, than the people of a county have to resist the laws of a State. When it becomes necessary to resort to resistance, its justification rests alone in the principle which proclaims the right of every community to protect itself against oppression. If then, ours is a government of the people, if the laws are made by the authority of all, and according to the forms of the constitution, it is inconceivable how the right can be set up in a single State to abrogate them.

If it be asked what means of redress are to be resorted to, in the cause of a usurpation by the general government of powers not delegated—I answer, the same that are provided against the encroachments of State functionaries—to the elective principle, and to the tribunal whose province it is to restrain the Legislature within the pale of the constitution. If these fail, it is to be ascribed, not to any defect in the constitution, but for a want of political honesty—to an absence of virtue and patriotism, without which there is but little preference for one form of government over another.

It was obviously the design of the compact by which the union was established, to submit to the general government, the control of our foreign affairs, while our domestic and internal concerns were to be left to the management of the States. When it is remembered that the constitution had constantly and necessarily to be construed by thirteen States, all independent of each other, and acting without concert in obtaining its sense and meaning, it cannot be supposed that the convention would overlook the collision which would unavoidably arise between the federal and state authorities, concerning the boundaries of jurisdiction. It was indispensable to the success of the scheme that those collisions should be guarded against; and hence the several provisions of the constitution on this subject, form a prominent feature in that instrument.

The constitution and laws of the United States, and treaties made under their authority, are declared to be “the supreme law of the land, and the judges of every State shall be governed thereby.” The judicial power shall extend to all cases in law and equity arising under the constitution and laws of the United States, and treaties made under their authority.” Should these provisions in the national compact be observed with a due regard to the objects they were designed to attain, and be submitted to in the spirit in which they were adopted, occasions for complaining against the usurpations of the federal or state governments would seldom occur.

Give to the judiciary its legitimate participation in the operations of government, and it will be found as a wall of defence—a sanctuary to which all may flee with full confidence of protection. It will be unmoved alike by the assaults of ambition and the excitements of prejudice—unconnected with the strife of contending political parties, and uncontaminated by the passions produced by party animosity, it will hold the even tenor of its way, dispensing justice with an impartial hand, and deciding upon our rights in the very spirit of the constitution.

From these and other views, which the occasion does not permit me to express, I am thoroughly convinced that the constitution does not authorize the power contended for, and that the exercise of it could have no other effect than to introduce evils greatly more to be deprecated, than those of which it is intended to be the remedy. It may possibly serve for the time to mitigate the disease of the body politic; but it would at the same time diffuse a poison into the system, that would not fail to bring on premature decay.

Should the President conceive that his duty requires him “to see that the laws be faithfully executed,” of which there is but little room to doubt, the war of argument would cease, the strife of blood would commence, and the government would perish amid the perils and horrors of civil discord. But if these apprehensions be groundless,

---

The following is the opinion of Mr Madison, which is believed to be conclusive and incontrovertible:

The constitution was formed by the States, that is by the people in each of the States, acting in their highest sovereign capacity; and formed consequently by the same authority which formed the State constitutions. Being thus derived from the same source as the constitutions of the States, it has within each State the same authority as the constitution of the State, and is as much a constitution in the strict sense of the term, within its prescribed sphere, as the constitutions of the States are within their prescribed spheres, but with this obvious and essential difference, that being a compact among the States, in their highest sovereign capacity, and constituting the people thereof one people, for certain purposes, it cannot be altered or annulled at the will of the State individually, as the constitution of a State may be, at its individual will. A political system that does not provide for a peaceable and authoritative termination of concurring controversies, would not be more than the shadow of a government. The object of a real government being the substitution of law and order, for uncertainty, confusion and violence.



if the prediction be verified which has been made by the advocates of this doctrine, that the executive would yield the right thus claimed for a State, the result would not be different. If it be allowed to one State to resort to this experiment, the example will soon be imitated by others: acts of nullification will become as frequent as the sessions of Congress. In this way the constitution might linger for a few years through a sickly existence; but it would at last be driven to the same fatal destiny.

Then the Senate adjourned until to-morrow 10 o'clock.

*Thursday, Dec. 1, 1831.*—The Senate met pursuant to adjournment.

Mr Erwin of G. from the judiciary committee, to whom was referred the resolution inquiring into the legal rights of purchasers of donation lands, to a remission of interest upon debts now unpaid, reported that the General Assembly, in their opinion, have the right or power, to pass an act, remitting to purchasers of donation lands, the interest upon the debt remaining unpaid for said lands, but that it is inexpedient to do so: in which they ask the concurrence of the Senate, which was ordered to lie on the table.

Mr Erwin, from the same committee, to which was referred the resolution relating to attorneys failing to pay over money when collected, reported a bill to be entitled an act for the punishment of attorneys and counsellors at law and solicitors in chancery, for mal practice, which report was concurred in, and the bill passed its first reading and made the order of the day for a second reading on to-morrow.

Mr Powell presented the account of Mrs Ewing; which was referred to the committee on accounts and claims.

Mr Morton offered the following resolution, viz: *Resolved*, that the Doorkeeper of the Senate be instructed to employ a mechanic to place grates in the fire-place of the Secretary's room, and the two fire-places in the Senate Chamber, which was adopted.

Mr M'Elderry offered the following resolution, viz: *Resolved*, That the committee on roads, bridges, and ferries, be instructed to inquire into the expediency of making it the duty of justices of the peace to meet at the courthouse, and apportion the hands to work on the several roads in their respective counties, or such other amendment to the road laws as the committee may deem expedient; which was adopted.

The Senate then proceeded to the orders of the day: when a bill to be entitled an act to amend the charter of the city of Mobile was taken up, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Coopwood, from the select committee on that part of the Governor's message which relates to a railroad, to whom was referred sundry petitions from the county of Franklin on that subject, reported a bill to be entitled an act, to incorporate the Tusculumbia, Courtland, and Decatur Railroad Company, which report was concurred in, the bill read a first time and made the order of the day for a second reading on to-morrow.

Mr Perry, from the judiciary committee, to whom was referred a bill to organize a separate Supreme Court, reported the same with an amendment by inserting the words "this State" in the first line of the first section, after the words "Supreme Court" and before the word "both"—adopted; which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Coopwood moved to reconsider the vote which was taken yesterday in the Senate, upon the bill to establish a permanent road, from the town of Tuscaloosa to the Mississippi State line, which was carried. Mr Anderson moved to reconsider the vote on filling the blank in said bill, with "700," which motion prevailed. Mr Anderson then moved to strike

out the word "700" and insert "500;" which was carried. The bill was then put upon its final passage; and passed. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Anderson, Barclay, Abercrombie Conner, Hemphill, Hogan, Irwin of H. Morton, Perry, Powell, Smith,

Those who voted in the negative are, Messrs Bridges, Coopwood, Edmondson, Erwin of G. Lawler, M'Elderry, Pickett, Vining, Walthall.

Ordered that the title of the bill be as above. Ordered that the Secretary acquaint the House therewith.

Mr Barclay offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of allowing to justices of the peace, jurisdiction of common assaults and batteries; which was adopted.

Mr Bridges from the committee on the judiciary, to whom was referred the bill amendatory to the laws concerning divorce, have had the same under consideration, and reported an amendment to the first section, by inserting the word "courts" after the word "circuit," and insert the word authority for "jurisdiction, wherever it occurs;" also to strike out the word "another woman;" which was adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act, to establish an election precinct therein named, was read a second time, and ordered to lie on the table.

A bill to secure to females covert their estates, against their husbands debts, contracted before marriage, &c. was read a second time, and referred to the judiciary committee.

An engrossed bill, authorizing Jesse During and Philip Brothers, to turnpike a certain road therein named, was taken up, read a third time, and put upon its passage. Yeas 20—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Pickett, Powell, Vining Walthall.

Those who voted in the negative are, Messrs Bridges and Smith.

A bill to be entitled an act to repeal in part an act entitled an act to incorporate the town of Carrollton, in Pickens county; and Fayetteville, in Fayette county, and for other purposes, passed 15th January, 1831, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to regulate the time of payment for lands, sold at the Land Office at Courtland, was read a second time, and laid on the table.

A bill to regulate weights and measures in the city of Mobile, was read a second time, and referred to a select committee, consisting of Messrs Hogan, Hemphill and Powell.

A bill to be entitled an act to revive an act to incorporate the Trustees of Tusculumbia Academy, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A message from the House of Representatives, by Mr Van Dyke:—Mr President, The House of Representatives have adopted the following resolution, in which they ask the concurrence of the Senate, viz: *Resolved*, That the two Houses, with the concurrence of the Senate, will to-day, at 12 o'clock, go into the election of an Adjutant and Inspector General, of the State of Alabama, for the term of four years; which, on motion of Mr Hogan, was laid on the table.

A bill to be entitled an act, concerning dower, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to repeal in part an act entitled an act for

the government of Gin holders, passed November 16th, 1818, was read a second time, and referred to the committee on propositions and grievances.

A bill to be entitled an act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers was read a second time, and referred to a special committee consisting of Messrs Hogan, Pickett and Bridges.

An engrossed bill to be entitled an act releasing to Mary Sibrie certain escheated lands, was read a third time and passed the Senate.

An engrossed bill to be entitled an act for the relief of George F. Salle, was read a third time and passed the Senate. *Ordered*, that the title be as above.

An engrossed bill to be entitled an act for the relief of William T. Rounsaville, was read a third time and passed. *Ordered*, that the title be as above.

A bill to be entitled an act to provide for the drawing of an additional number of jurors, and for compensating tales jurors in the county of Perry, was read a third time and passed. *Ordered*, that the title be as above. *Ordered*, that the Secretary acquaint the House therewith.

A bill to be entitled an act to incorporate the town of Hayneville, was read a third time and passed. *Ordered*, that the title of the act be as above.

A bill to be entitled an act to change the name of a certain person therein named, was taken up, read a third time and passed. *Ordered*, that the title of the bill be as aforesaid.

Mr Erwin of G. moved to take from the table a bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama. Mr Erwin moved to amend the bill by inserting after the word "dollars" in in the first section, the words "annually for two successive years," that is to say, — hundred thousand dollars for the year 1832, and — hundred thousand dollars for the year eighteen hundred and thirty-three. Mr Hogan moved to lay the bill and amendment on the table; which was carried.

A message from the House of Representatives, by Mr Van Dyke:— Mr President—The House of Representatives have adopted the following resolution: *Resolved*, That the Senate be informed that the House of Representatives is ready to receive them in their Hall for the purpose of electing a Trustee of the University for the third judicial circuit.

On motion, the Senate repaired to the Hall took their seats and proceeded to the election of a Trustee of the University for the third judicial circuit. Joab Lawler and Samuel S. Earle being in nomination, Lawler 69—Earle 19.

Those who voted for Mr Lawler are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmundson Erwin of G. Hemphill Irwin of H. M'Elderry Morton Perry Powell Smith Vining Walthall. Reps.—Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Cook Craig Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Goodwin Hall of B. Harris Hayes Hickman Hubbard Johnson Keener King of P. Lane Lockhart M'Afee M'Ray M'Vay Moffit Moore Musgrove Nabors Oliver of C. Payne Peete Philpot Rather Riddle Ross Rugely Saunders of L. Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted for Mr Earle are, Mr Hogan. Reps.—Messrs Carroll Farrar Goyne Herbert Hollis Kilpatrick Lea Loyd M'Collum M'Kinley Norwood Oliver of m. Paul Shackleford Shearer Swink Snedcor Stephens.

The Senate withdrew to the Senate Chamber, and Mr President resumed the chair.

When the Senate adjourned until to-morrow morning 10 o'clock.

Friday, Dec. 2, 1831.—The Senate met pursuant to adjournment.

Mr President presented the report of the commissioners on the State Capitol, relative to what disposition they had made, or intend to make, of the copper taken from the roof of the Capitol and the original cost of said copper, wick is as follows: "*To the Honorable the Senate of Alabama:* In answer to the resolution of your Honorable body, requesting the commissioners of the State Capitol to report to the Senate what disposition they have made, or intend to make, with the copper taken from the roof of the Capitol, and what was the original cost of that copper, the commissioners respectfully report, that' they bought in New-York, 7229 lbs. of copper, at 28 cents per lb. and 80 lb. of copper nails, at 45 cents; the whole cost of which in New-York, including boxing, drayage and commission, was \$2071 63, to which are to be added freight and insurance from New-York to Tuscaloosa, which being blended with other articles bought in New-York for the Capitol, we cannot distinctly state. The copper taken from the roof, the scraps and a few plates which were not used, are now deposited in a warehouse in town, and a small part in a room in the Capitol. A few plates will be kept for further work on the Capitol. The commissioners have contracted for the sale of the residue at 15 cents per pound, but it has not yet been weighed or delivered. All of which is respectfully submitted.

HENRY MINOR,	} Com'rs.
JAMES H. DEARING,	
JAMES HOGAN,	
WILLIAM NICHOL.	

Hon. *James Jackson*, President of the Senate.

Which was read and ordered to lie no the table.

Mr Powell presented the account of C. C. Thompson, which was referred to the committee on accounts and claims.

Mr Perry, from the judiciary committee, to whom was referred the bill to be entitled an act to repeal in part and amend an act to revive, consolidate, and amend the several acts in relation to justices of the peace and constables, passed December 27th 1814, reported the same without amendment; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hogan offered joint resolutions to the Congress of the United States, relative to the fortifications on Dauphin Island; which were read and ordered to a second reading on to-morrow.

Mr Anderson offered the following resolution, viz: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, as to authorize and require the Sheriff of each and every county to perform the duties now performed be Tax Collectors, and report by bill or otherwise; which was adopted.

Mr Bridges, from the committee on public printing, to whom was referred the resolution instructing them to inquire whether the State printer had faithfully discharged the duties of his office for the present year, and when his term of service expires, have had the same under consideration, and have reported that the public printing has (from all the information the committee has been able to procure) been faithfully executed, and that his term will expire on the 18th day of January; which report was concurred in.

Mr. Vining offered the following resolution, viz: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of pointing out some mode by law for the qualification of justices of the peace, the better to enable clerks of the county courts to give certificates of magistracy when required to do so with leave to report by bill or otherwise;

Mr Morton introduced a bill to be entitled an act to authorize James Davis and his associates to turnpike a certain road therein named; which was read and ordered to a second reading on to-morrow.

Mr Pickett introduced a bill to be entitled an act to preclude from office all members of the Legislature during the term for which they have been elected; which was read and ordered to a second reading on to-morrow.

Mr Hogan offered the following resolution, viz: *Resolved*, That the State Engineer be requested to communicate to the Senate his report on the survey of the Coosa river, together with all other information in his possession relative to the improvement of that river, and its connexion with the Tennessee river; which was adopted.

The Senate then proceeded to the orders of the day, when a bill to be entitled an act to amend the charter of the city of Mobile was taken up, and on motion of Mr Abercrombie was ordered to lie on the table until the first day of June; which was carried. Yeas 16—Nays 6. The yeas and nays being desired.

Those who voted in the affirmative, are, Messrs Abercrombie, Anderson, Barclay, Bridges, Conner, Dupuy, Edmondson, Erwin of G. Hemphill, Irwin of H. Lawler, M'Elderry Perry Pickett Vining and Walthall.

Those who voted in the negative are, Messrs President Coopwood Hogan Morton Powell and Smith.

So the bill was laid on the table until the first day of June.

Mr Erwin of G. moved to reconsider the vote taken this day on the resolution relative to calling on the Engineer of this State for certain information; which motion prevailed. Mr Irwin of H. moved to lay the resolution on the table, which was carried.

A bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read a second time, ordered to lie on the table, and fifty copies thereof ordered to be printed.

A bill to be entitled an act in part to repeal an act to incorporate the town of Carrollton in Pickens county, and Fayetteville in the county of Fayette, and for other purposes, approved the 15th January 1831, was read a third time and passed the Senate. *Ordered*, that the title of the bill be as above.

A bill to be entitled an act concerning dower, was read a third time and passed the Senate. Yeas 18—Nays 3.

Those who voted in the affirmative are, Messrs President Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Perry Pickett Smith Walthall.

Those who voted in the negative are, Messrs Morton Powell and Vining.

*Ordered*, that the title be as above.

A bill to be entitled an act to revive and amend an act entitled an act to incorporate the Trustees of Tuscumbia Academy in Franklin county, was read a third time and passed. *Ordered*, that the title of the bill be as above.

A bill to be entitled an act for the punishment of attorneys and counsellors at law and solicitors in chancery, for mal-practice, was read a second time; and on motion of Mr Erwin of G. was amended by inserting the words "for the space of five days" after the words "neglect or refuse;" which was adopted. The bill was then ordered to be engrossed and made the order of the day for a third reading on to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the resolution of the Senate requiring the engineer of the State to report the result of his examinations and surveys on the Coosa river, and such other information as he may possess upon that subject.

A bill to be entitled an act to organize a separate Supreme Court, was taken up, and after being under consideration for sometime,

The Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, Dec. 3, 1831* — The Senate met pursuant to adjournment.

Mr Perry moved to reconsider the vote which was taken on yesterday, to lay on the table until the first day of June next, a bill to be entitled an act to amend the charter of the city of Mobile; which motion prevailed, and the vote was re-considered. Mr Perry moved to lay the bill on the table; which was carried.

Mr Erwin of G. presented the petition of James H. Foster, Mary Hendley (widow,) George S. Foster, Nancy Perry, wife of Benjamin Perry, and others, praying the sale of certain lands therein named; which on motion of Mr Erwin was referred to the committee on the judiciary.

Mr Perry, from the judiciary committee to whom was referred a bill to provide for the more speedy trial of slaves and free persons of color, reported the same with various amendments. First, in the first section of the bill to strike out the word "capital" where it occurs before the word "crime," and insert in said section after the word "crime" the words "of which a justice of the peace has not now jurisdiction to try;" and after the words "county court," in the said section, to insert the words "or if there be no judge, two justices of the peace for the proper county;" and in said section to insert after the words "judge of the county court," in the last clause of the said section, to insert the words "or said justices when there is no judge." Also to strike out the fourth section. In all of which amendments the Senate concurred. Mr Erwin of G. moved to lay the bill on the table; which prevailed.

Mr Hogan, from the military committee to whom was referred certain resolutions from the State of New-Hampshire, reported joint resolutions to the Congress of the United States, requesting a more perfect organization of the militia of the several States; which report was concurred, the resolution read, and made the order of the day for a second reading on Monday next.

Mr Hogan, from the same committee to whom was referred resolutions from the State of Delaware, reported resolutions to the Congress of the United States in relation to the surviving officers and soldiers of the revolutionary army; which were concurred in, read and ordered to a second reading on Monday next.

Mr Lawler introduced a joint memorial to the Congress of the United States, requesting the unappropriated lands within the State of Alabama, may be ceded to the State for the purposes of internal improvement and education; which was read and ordered to a second reading on Monday next.

Mr Powell introduced a bill to be entitled an act more effectually to guard against the insurrection of slaves in this State; read and ordered to a second reading on Monday.

Mr Abercrombie introduced a bill to be entitled an act to authorize the judge of the county court and the commissioners of roads and revenue of the county of Montgomery, to fix the rates of toll at different ferries and bridges on the road leading from the town of Montgomery to fort Mitchell; which was read and ordered to a second reading on Monday next.

Mr Hogan, from the special committee to whom was referred the bill entitled an act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers, reported the same with sundry amendments; which were concurred in by the



Senate, and the bill ordered to be engrossed and read a third time on Monday next.

The Senate proceeded to the orders of the day. The bill to establish and organize a separate supreme court, was taken up, and after some time spent in the consideration thereof,

The Senate adjourned until Monday morning 10 o'clock.

*Monday, Dec. 5, 1831.*—The Senate met pursuant to adjournment.

Mr Irwin of H. from the military committee to whom was referred the resolution of the Senate relative to the removal and safety of the public arms, as well as that part of his Excellency's message which relates to that subject, reported that they had had the subject under consideration, and asked leave to report a joint resolution to be entitled, *Joint resolutions* authorizing and requiring the Quartermaster General to remove all the public arms in his possession to the State Capitol; which report was concurred in, the resolution read and ordered to a second reading on to-morrow.

Mr Irwin, from the same committee to whom was referred the committee to inquire into the expediency of removing a part of the public arms to the town of Montgomery, reported a bill to be entitled an act to remove a portion of the public arms to the town of Montgomery; in which report the Senate concurred, the bill was read and ordered to a second reading on to-morrow.

Mr Erwin of G. from the select committee to whom was referred a bill to be entitled an act to amend an act entitled an act to suppress the evil practice of duelling, together with an amendment thereto, proposing an entire repeal of that act, have had the same under consideration, and reported the bill without amendment, and that it is inexpedient to adopt the amendment. In rejecting the amendment the committee were governed by a variety of considerations, some of which they beg leave to present:—The third section of the sixth article of the constitution of this State provides, that the General Assembly shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office or the tenure thereof, as they may deem expedient. The framers, therefore, of the constitution, regarded the practice of duelling as an evil which ought to be suppressed by the imposition of heavy penalties, and gave full power to the Legislature for that purpose; and altho' judging from the language of the constitution, the provision on the subject of duelling does not appear to be imperative on the Legislature, yet when it is remembered that no power or authority is given by that instrument but what is designated to be practically exercised, the committee cannot resist the conclusion that the true spirit and intention of the provision in question, does require the General Assembly to enact laws for the purpose therein mentioned.

But admitting there were no constitutional provision on the subject of duelling, the committee would ask if the moral duty of the General Assembly would be lessened to suppress a practice so detrimental to the peace, happiness and good order of society. One of the first duties of every government is the protection and safety of those who live under it. If all the evil passions and propensities of man were let loose, unrestrained by legal sanctions, social, moral, civilized society could not exist, and government would become worse than useless. A paternal government will not only protect the persons of its citizens, but it will by all proper means, blast and destroy their prejudices, when their indulgence lead to the perpetration of crime, reform their habits when bad, and give a proper

tone and direction to their sentiments. Your committee conceive there is no absurd custom, no criminal practice, no irrational prejudice that requires more strongly, the interposition of the correcting hand of Legislation, than that of duelling. Deriving its origin from the darkest and most barbraous ages, when power and violence gave law, and religion and learning were unknown or maintained but a precarious and uncertain existence. It has maintained its tyrannic sway, and been handed down, generation after generation, lessening, it is true, at each remove when all that left its original force and attraction. Feudal pride, blind superstition. The folly and madness of knight errantry have ceased to exist. If duelling were only resorted to on adequate occasions, when some deep and vital injury had been inflicted, and where the laws provided no remedy or redress, the practice of duelling so far at least as human institutions are concerned, might be tolerated. But how often is it resorted to on the most frivolous pretexts, for causes that would hardly create a serious difference, the gratification of some quixotic humor, or some fancied slight or insult, fanned by sickly and ridiculous notions of honor.

True honor, by which alone mankind should be governed, is based upon moral virtue, all else is spurious. Your committee need not recur to the individual misery which has been visited upon mankind, nor to the many valuable lives that have been lost to society by the practice of duelling; that by it many virtuous and innocent families have been made to feel the keenest sorrow and anguish, and our country deprived of some of its noblest heroes and most enlightened statesmen; yet such reflections would well enter into the propriety of maintaining and enforcing the laws. Your committee, aware of the difficulty of entirely suppressing duelling by municipal regulations, they believe however that much may be done and that much has been done by the very law proposed to be repealed; and that by a steady and unyielding perseverance in the policy which dictated it, such a direction will be given to public opinion, aided and sustained by the sanctions of the law itself, that the practice will be sooner or later entirely suppressed. In most of our sister states much good has been done by the imposition of heavy penalties against duelling, and a rigid enforcement of them. In the State of Virginia famed for the true honor and high chivalric character of her citizens, there is a law similar to ours; no instance has occurred of the Legislature of that State having granted relief, and the consequence is, the practice or rather crime of duelling has almost completely vanished from the State, and perhaps in three fourths of the States from its seldom occurrence, it is hardly to be regarded as an existing evil.—Is it proper then that we should disregard the happy effects of the policy that has prevailed in the other States, the good effects of our own law, the subject under consideration, and repeal that law? Your committee conceive not: that to do so would be giving a sanction to crime, disregarding the dearest interests of society, and utterly contrary to the feelings, wishes, and opinions of nearly all the moral and religious portion of the citizens of the State. If the policy of repealing the law were left to the people, it is believed that not one in ten would be in favor of it.

Mr Perry moved to lay the bill, amendment and report on the table until to-morrow; which prevailed.

Mr Hogan introduced a bill to be entitled an act altering the time of opening and closing the polls at elections in the city and county of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Perry introduced a bill to be entitled an act to prevent judges of the circuit courts from charging juries on matters of fact, and the better

to secure the right of trial by jury; which was read and ordered to a second reading on to-morrow.

Mr Barclay offered the following resolution, viz: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of dividing the interest of the three per cent fund among the several counties in this State, in proportion to the population, to be appropriated by the court and the commissioners of the county, for the purpose of building bridges and such other improvements as may be necessary, agreeably to the object for which it was given; which was adopted.

Mr Pickett introduced a bill to be entitled an act to incorporate the Washington Light Infantry, in the county of Autauga; which was read and ordered to a second reading on to-morrow.

Mr Anderson introduced a bill to be entitled an act to repeal in part an act entitled an act to authorize the county court of Dale county to sell public buildings therein named, approved the 8th December, 1830; which was read a first time: and the constitutional rules requiring bills to be read three several times on three several days, being dispensed with, was forthwith read a second time; and the rule being still further dispensed with, was read a third time and passed the Senate. *Ordered*, that the title of the bill be as above.

Mr Hemphill moved that mr Barclay be added to the committee on Indian affairs.

The Senate then proceeded to the orders of the day, when the bill to organize a separate Supreme Court was put upon its passage and was rejected. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay, Bridges, Erwin of G. Hogan, Irwin of H. Lawler, Morton, Perry, Powell Smith and Vining.

Those who voted in the negative are, Messrs President, Abercrombie, Anderson, Conner, Coopwood, Dupuy, Edmondson, Hemphill, M'Elderry, Pickett, Walthall.

A message from the Governor by James I. Thornton, Esq:

*To the Senate and House of Representatives of the State of Alabama:*

EXECUTIVE OFFICE, Dec. 3, 1831.

Believing that all information in relation to the causes which tend to incite our colored population to insurrectionary movements, would be desirable to the General Assembly, I transmit a copy of a communication from David Crawford, Esq. solicitor of the first judicial circuit; and also a copy of a letter from Mr James M'Kee, to the police of the city of Mobile. These documents declare the fact, that a slave has been brought into the State, who was sent from North Carolina for distributing seditious publications. There is every reason to believe that others of the same description are among us, and that many more will find their way through the agency of negro speculators, unless speedy and effectual means be adopted to prevent their importation. Slaves of bad character can always be purchased by those traffickers in human flesh, at low prices, and unless the arm of the law be interposed in behalf of our people, it cannot be expected that they will be exempt from scenes similar to those which have been so afflicting to our brethren of Virginia.

It is believed that the encouragement given to our slaves to learn to read, and the practice of preaching by them to large assemblies of their own color, are the fruitful sources of many of the evils to be apprehended. It has occurred to me that nothing could be more desirable than the passage of laws by all the slave holding States, to prohibit the exportation as well as the importation of slaves for sale. I doubt not but that such an understanding might be had among them as would bring about this

event. It would effectually prevent the mischief growing out of the introduction of slaves of every description, and would at the same time achieve a triumph for the cause of humanity. **JOHN GAYLE.**

Mr Abercrombie, from the special committee to whom was referred a bill to be entitled an act in relation to slaves and for other purposes, reported the same without amendment; which was concurred in. Mr Abercrombie moved that the bill be referred to the committee on the judiciary; which was carried.

The engrossed bill to be entitled an act concerning dower, was read a third time and passed the Senate. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Bridges, Conner, Coopwood, Erwin of G. Hogan, Irwin of H. Morton, Pickett, Powell, Vining.

Those who voted in the negative are, Messrs President, Barclay, Dupuy, Edmondson, Hemphill, Lawler, M'Elderry, Smith and Walthall.

Mr Anderson moved to take from the table a bill to be entitled an act to reduce the salaries of the judges of the circuit courts of this State in certain cases; which was adopted. Mr Anderson then moved to strike out the words "or other good and reasonable cause," and insert "high water and want of time" in lieu thereof; which motion did not prevail. Yeas 10—Nays 12.

The yeas and nays being desired those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Connor, Dupuy, Hemphill, M'Elderry, Morton, Walthall.

Those who voted in the negative are, Messrs Barclay, Bridges, Coopwood, Edmondson, Erwin of G. Hogan, Lawler, Perry, Pickett, Powell, Smith Vining.

Mr Erwin of G. moved to amend the first section by adding thereto after the words "reasonable cause," the words "to be shewn on affidavit;" which amendment was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

The engrossed bill to be entitled act to repeal in part and amend an act to revise, consolidate, and amend the several acts relative to justices of the peace and constables, passed December 27th, 1814, was read a third time and passed the Senate. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Bridges, Connor, Coopwood, Dupuy, Erwin of G. Hogan, Irwin of H. M'Elderry, Perry Pickett, Powell, Smith.

Those who voted in the negative are, Messrs Anderson, Barclay, Edmondson, Lawler, Morton, Vining and Walthall.

*Ordered*, that the title of the bill be as above.

The engrossed bill to be entitled an act for the punishment of attorneys and counsellors at law, and solicitors in chancery for mal-practice, was taken up, read a third time and passed. Mr Anderson moved to amend the title of the bill by striking out the word "punishment," and the words "mal-practice," and insert in lieu of "punishment," the word "benefit." Mr Coopwood called for a division of the question—carried; and the Senate refused to strike out. *Ordered*, that the title of the bill be as above.

The bill to be entitled an act to preclude from office, all members of the Legislature, during the term for which they are elected, was read a second time and referred to the judiciary committee.

A bill to be entitled an act supplementary to an act to authorize James Davis and his associates to turnpike a certain road therein named, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolutions to the Congress of the United States relative to the fortifications on Dauphin Island, were read a second time and referred to a select committee, consisting of messrs Coopwood, Hogan and Lawler.

Joint resolutions to the Congress of the United States, requesting a more perfect organization of the militia of the several States, was read a second time, and on motion of Mr Coopwood, was ordered to lie on the table.

A joint resolution to the Congress of the United States relative to the surviving officers and soldiers of the revolutionary army, were taken up, read, and ordered to be engrossed for a second reading on to-morrow.

The bill to be entitled an act more effectually to guard against the insurrection of slaves in this State, was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to authorize the judge of the county court and the commissioners of roads and revenue of the county of Montgomery, to fix the rates of toll at different ferries and bridges on the road leading from the town of Montgomery to fort Mitchell. Mr Abercrombie moved to amend the bill by adding thereto another section; which was adopted. Mr Hogan moved to amend the bill by adding a proviso thereto. Mr Bridges moved to lay the bill and the amendment on the table until to-morrow; which was adopted.

The engrossed bill to be entitled an act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers, was read a third time and passed the Senate. *Ordered*, that the title of the act be as above.

The joint memorial to the Congress of the United States, requesting that the unappropriated lands lying within the State of Alabama, may be ceded to the State for the purposes of internal improvement and education, were taken up, read a second time and ordered to lie on the table, and that fifty copies thereof be printed.

Mr Coopwood offered the following resolution, viz: *Resolved*, that the committee on the judiciary be instructed to inquire into the propriety of changing the time of holding courts in the different circuits, so that all shall commence at the same day; and so to arrange the duties of judges on the circuit that more time may be given for holding the terms of the supreme court; which was adopted.

Mr Pickett presented the petition of a number of the citizens of the county of Autauga relative to the introduction of slaves; which was referred to the committee on the judiciary.

Mr Erwin of G. offered the following resolution, viz: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency and necessity of a revision of the patrol law, with a view to its more efficient execution, with leave to report by bill or otherwise; which was adopted.

Mr Erwin of G. offered the following resolution, viz: *Resolved*, that the military committee be instructed to inquire into the expediency of abolishing militia musters, and providing some mode of keeping the militia of the State properly enrolled and officered, and for making annual reports of the strength thereof; which was adopted.

And the Senate adjourned until 10 o'clock on to-morrow.

*Tuesday, Dec. 6, 1831.*—Senate met according to adjournment.

Mr Powell presented the petition of Abel Pennington; which was read and referred to a select committee, consisting of messrs Powell, Lawler and Walthall.

Mr Perry, from the judiciary committee to whom was referred the resolution instructing them to inquire into the expediency of so amending the laws of this State, so as to authorize the sheriff of each and every county to perform the duties now performed by tax collectors, have had the same under consideration, and report that it is inexpedient to legislate on the subject; which was concurred in by the Senate.

Mr Perry, from the same committee to whom was referred the bill to regulate the rates of wharfage in the city of Mobile, reported the same without amendment; which was concurred in, and the bill ordered to lie on the table until to-morrow.

Mr Perry from the same committee to whom was referred a bill to regulate the tax fees of all attorneys in all debts in favor of the president and directors of the bank of the State of Alabama, collected by law, reported the same with an amendment. Mr Erwin of G. moved to lay the bill and amendment on the table; which was carried.

Mr Coopwood from the judiciary committee to whom was referred the bill to be entitled an act to secure to females covert their estates against the debts of their husbands contracted before marriage, and to husbands their estates against their wives, contracted before marriage, reported the bill with the following amendment, viz: strike out all after the word "marriage" in the 8th line of the first section, and insert the following: "provided that the property of the wife before marriage shall be liable to the payment of her debts contracted while sole;" in which the House concurred, and the bill was ordered to be engrossed for a third reading on Monday next.

Mr Walthall, from the committee on inland navigation to whom was referred the bill to be entitled an act to repeal an act to establish a board of internal improvement for the State of Alabama, reported the same without amendment; which was concurred in. Mr Hogan moved that the bill be engrossed and made the order of the day for Tuesday next; which was lost. Mr Perry moved to make the bill the order of the day for Monday next; which was lost. Mr Lawler moved to make it the order of the day for Friday next; which was lost. Mr Powell moved that the bill be engrossed and made the order of the day for a third reading on to-morrow; which was carried.

Mr Hogan introduced a bill to be entitled an act supplementary to an act entitled an act to establish a bank in the city of Mobile, passed 20th November, 1818; which was read and made the order of the day for a second reading on to-morrow.

Mr Smith introduced a bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers. Mr Irwin of H. moved to suspend the constitutional rule and read the bill forthwith the second time; which motion was lost. The bill was then ordered to a second reading on to-morrow.

Mr Bridges from the judiciary committee to which was referred a resolution inquiring into the expediency of pointing out some mode of qualifying justices of the peace, the better to enable clerks of the county courts to give certificates of magistracy, reported a bill to be entitled an act to provide for electing and qualifying justices of the peace; which report was concurred in, the bill read and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr Van Dyke:—Mr President: The House of Representatives have read three several times and passed, bills which originated in their House of the following titles, viz: an act to change the names of, and to render legitimate certain persons therein named; and an act to change the time of holding the county courts of Clarke county; in both of which they request the concurrence of the Senate.

Engrossed bill from the House of Representatives, entitled an act to change the names of, and to render legitimate certain persons therein named, was read a first time and made the order of the day for a second reading on to-morrow.



**Engrossed bill from the House of Representatives, entitled an act to change the times of holding the county courts of Clarke county, was read a first time and made the order of the day for a second reading on to-morrow.**

The Senate then proceeded to the orders of the day. The joint resolution authorizing and requiring the Quartermaster General to remove all the public arms in his possession to the State Capitol, was read a second time and ordered to be engrossed for a third reading on to-morrow, after an unsuccessful motion of Mr Powell to refer it to the committee on the State Capitol.

A bill to be entitled an act to remove a portion of the public arms to the town of Montgomery, was read a second time and referred to the the military committee.

A bill to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure right of trial by jury, was read a second time, and on motion of Mr Perry, referred to the judiciary committee.

The bill to be entitled an act altering the time of opening and closing the polls at elections in the city and county of Mobile, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to incorporate the Washington Light Infantry in the county of Autauga, was read a second time and referred to the military committee.

An engrossed bill to be entitled an act to reduce the salaries of the judges of the circuit courts in this State in certain cases, was then taken up. Mr Anderson moved to fill the blank in the first section with the words "one hundred;" which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Conner, Edmondson, Hemphill, Hogan, Irwin of H. M'Elderry, Morton, Walthall.

Those who voted in the negative are, Messrs Barclay, Bridges, Coopwood, Erwin of G. Lawler, Perry, Pickett, Powell, Smith, and Vining.

Mr Lawler moved to fill the second blank with the word "twenty;" which was lost. Mr Abercrombie moved to reconsider the vote on filling with the word twenty; which prevailed. Mr Hemphill moved to fill the blank in the third section of the bill with the words, "one hundred;" which was lost. Nays 16—Yeas 4.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson Hemphill Hogan and Morton.

Those who voted in the negative are, Messrs President Abercrombie Barclay Bridges Conner Coopwood Edmondson Erwin of G. Irwin of H. Lawler M'Elderry Perry Powell Smith Vining Walthall.

Mr Abercrombie moved to fill the blank with the word "fifty," which was lost. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Anderson Conner Hemphill Hogan M'Elderry Morton Walthall.

Those who voted in the negative are, Messrs President Barclay Bridges Coopwood Edmondson Erwin of G. Irwin of H. Lawler Perry Powell Smith and Vining.

Mr Irwin of H. moved to fill the blank with "twenty;" which was carried. Mr Coopwood moved to amend the bill by the addition of a new section by way of an engrossed rider; which was lost.

The bill was then put upon its final passage, and passed. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Bridges Conner Edmondson Hemphill Hogan Irwin of H. M'Elderry Walthall.

Those who voted in the negative are, Messrs Barclay Coopwood Erwin of G. Lawler Morton Perry Pickett Powell Smith and Vining.

*Ordered*, that the title of the bill be as above.

**Engrossed bill to be entitled an act supplemental to an act entitled an**

act to authorize James Davis and his associates to turnpike a certain road therein named, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the Secretary acquaint the House therewith.

Engrossed joint resolutions in relation to the surviving officers and soldiers of the revolutionary army, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Mr Irwin of H. offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of repealing so much of the militia law as requires but two company musters in each captain's beat in one year, and so much of the law as authorizes company court martials to be held on the succeeding muster day, with leave to report by bill or otherwise; which was adopted.

The Senate adjourned until 9 o'clock to-morrow.

*Wednesday Dec. 7, 1831.*—The Senate met pursuant to adjournment.

Mr Perry from the judiciary committee to whom was referred a bill to be entitled an act to preclude from office all members of the Legislature during the term for which they are elected, reported the same without amendment; which was ordered to lie on the table.

Mr Erwin of G. from the judiciary committee to whom was referred the joint resolution amending the constitution, relative to the size of the judicial circuits, reported that it was inexpedient to legislate on the subject; which report was disagreed to and the resolution ordered to lie on the table until to-morrow.

Mr Walthall from the committee on the State Bank to whom was referred a bill to be entitled an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama, reported the same with an amendment viz: to fill the blank in the first section with the word "five," and at the end of the section to add the words "if paid within ninety days thereafter," and to strike out the second section; which was concurred in and the bill laid on the table until to-morrow.

Mr Erwin from the judiciary committee to whom was referred resolutions from the State of Delaware, proposing amendments to the constitution of the United States, reported the same back to the Senate, and asked leave for the committee to be discharged from the further consideration thereof; which was granted and the resolutions laid on the table.

Mr Erwin of G. from the judiciary committee to whom was referred the resolution inquiring into the expediency of re-organizing the judiciary abolishing the common law jurisdiction of the county courts, &c. reported the same as inexpedient; which report was not concurred in, and the resolution was recommitted to the same committee.

Mr Hemphill moved to take from the table a bill to regulate the rates of wharfage in the city of Mobile; which was carried, and the bill referred to a select committee consisting of Messrs Hemphill, Hogan and Erwin of G.

Mr Lawler from the select committee to whom was referred the petition of Abel Pennington, reported a bill to be entitled an act to emancipate a certain slave therein named; which was concurred in, read and ordered to a second reading on to-morrow.

Mr Hogan offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the propriety of increasing the salaries of the circuit judges, to a sum not exceeding two thousand dollars per annum, with leave to report by bill or otherwise; which was lost. Yeas 3—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Hogan Morton.

Those who voted in the negative are, Messrs Abercrombie Anderson Barclay

Bridges Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Perry Vining and Walthall.

The Senate proceeded to the orders of the day. A bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, was read a second time and laid on the table.

Engrossed bill to change the names of, and legitimate certain persons therein named, was read and made the order of the day for a third reading on to-morrow.

Engrossed bill to be entitled an act to change the times of holding the county courts of Clarke county, was read a second time and made the order of the day for to-morrow.

A bill to be entitled an act to provide for electing and qualifying justices of the peace, was read a second time and referred to a select committee, consisting of Messrs Vining, Bridges and Morton.

A bill to be entitled an act supplemental to an act to establish a Bank in the city of Mobile, was read a second time and referred to the committee on the State Bank.

Engrossed bill to be entitled an act to repeal an act to establish a board of internal improvement for the State of Alabama, was read a third time and passed. Mr Hogan moved to lay the bill on the table until Monday—lost. Mr Lawler moved to lay the bill on the table till Saturday—lost. Yeas 4—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Lawler Perry Vining and Walthall.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Bridges Coopwood Edmondson, Erwin of G. Hemphill Irwin of H. Hogan M'Elderry Morton and Smith.

The bill was then put upon its final passage. Yeas 15—Nays 3.

The yeas and nays being desired those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Bridges Coopwood Edmondson Erwin of G. Hemphill, Irwin of H. M'Elderry Morton Perry Vining and Walthall.

Those who voted in the negative are, Messrs Hogan Lawler and Smith.

Engrossed joint resolutions authorizing and requiring the Quartermaster General to remove all the public arms in his possession to the State Capitol, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act altering the time of opening and closing the polls at elections in the city and county of Mobile, was read a third time and passed. *Ordered*, that the title of the act be as above.

Mr Bridges introduced a bill to be entitled an act to provide for digesting the laws of the State of Alabama; which was read and ordered to a second reading on to-morrow.

A bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Montgomery to fix the rates of toll at different ferries and bridges on the road leading from the town of Montgomery to Fort Mitchell, was called up, and ordered to lie on the table until to-morrow.

Mr Coopwood called from the table the bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, in order to place it among the orders of the day for to-morrow; which was done.

Mr Pickett from the committee on propositions and grievances to whom the bill relative to ginholders was referred, reported the same back to the Senate without amendment.

The Senate then adjourned until 9 o'clock to-morrow.

*Thursday, Dec. 8, 1831.*—The Senate met pursuant to adjournment.

Mr Irwin of H. presented the annual report of the Quartermaster General; which was read and referred to the military committee.

Mr Erwin of G. to whom was referred joint resolutions proposing to alter the constitution of the State relative to judicial circuits, reported the same as inexpedient. Mr Irwin of H. moved to disagree to the report; which was carried. Yeas 9—Nays 6.

Those who voted in the affirmative are, Messrs Abercrombie Coopwood Edmondson Hemphill Hogan Irwin of H. Lawler M'Elderry Morton and Walthall.

Those who voted in the negative are, Messrs President Anderson Barclay Erwin of G. Perry Vining.

Mr Powell from the committee on enrolled bills, reported as correctly enrolled, a bill for the relief of Sterling E. Harrison; a bill to change the name of a certain person therein named.

A bill to be entitled an act to preclude from office all members of the Legislature during the time for which they are elected, was read a second time and laid on the table until Monday next.

Joint resolutions proposing an amendment to the constitution, was taken up and read a second time. On motion of Mr Abercrombie, was moved to be made the order of the day for a third reading on Saturday; upon which a call of the House was made, and the resolution laid on the table for one hour.

Mr Powell moved to take from the table a bill to be entitled an act to establish an election precinct therein named; which was carried. Mr Powell moved to amend the bill by adding thereto the following section: "*And be it further enacted*, That an additional election precinct for Tuscaloosa county, shall be, and the same is hereby established at the house of Wm. Moore, on the west side of Sipsey river." Mr Hogan moved further to amend the bill with an additional section: "*And be it further enacted*, That the election precinct heretofore held at the house of Jacob G. Collins, on Spring Hill, be discontinued; and in lieu thereof, one to be established at the hill, at the house formerly known as the house of Jacob Payn. *And be it further enacted*, That three additional election precincts be established in the county of Mobile: one at the house of Moses Prescots, at the forks of Spring Hill and St Stephens road: one at the house of Henry Miller, on the Pascagola road: and one at the house of John B. Rozard, senior; which amendments were adopted, and the bill ordered to lie on the table.

A bill to be entitled an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to emancipate a certain slave therein named, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, was read a second time and ordered to a third reading on Monday next.

Mr Perry moved to suspend the orders of the day; which was carried.

Mr Perry then introduced the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of preventing a director of the Bank, or any member of either House of the General Assembly, from being or acting as Bank attorney; which was adopted.

Engrossed bill to be entitled an act to change the names of, and to render legitimate certain persons therein named, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to change the time of holding the county court of Clarke county, was read a third time and passed the Senate. *Ordered*, that the title of the bill be as above.

A bill to be entitled an act to provide for digesting the laws of the State of Alabama, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read the second time and made the order of the day in committee of the whole for Monday next.

A bill to be entitled an act to increase the capitol stock of the Bank of the State of Alabama, was read a second time and laid on the table until Monday next.

A bill to be entitled an act to amend an act entitled an act to suppress the evil practice of duelling, together with the report of the select committee to whom the subject was referred, was taken up. Mr Morton moved that the Senate disagree to the report of the committee. Mr Perry moved to lay the bill and report on the table until Monday next; which was carried.

A bill to be entitled an act to authorize the judges of the county court and the commissioners of roads and revenue of the county of Montgomery, to fix the rates of toll at the different ferries and bridges on the road leading from the town of Montgomery to Fort Mitchell, together with the amendment and proviso, was taken up and laid on the table until Monday next.

A bill for the more speedy trial of slaves and free persons of color, was read a second time and recommitted to the judiciary committee.

A bill to be entitled an act supplementary to an act entitled an act for the improvement of the Tennessee river and for other purposes, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Erwin of G. offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing the fourth judicial circuit of this State, and adding the counties in said circuit to the fifth judicial circuit, with leave to report by bill or otherwise. Mr Coopwood moved to lay the resolution on the table, which was withdrawn by Mr Coopwood. Mr Coopwood moved to strike out the words, "fourth judicial circuit;" which was carried. Mr Perry moved to lay the resolution on the table; which was carried.

Mr Abercrombie presented the petition of a number of the citizens of the county of Montgomery, praying the removal of an election precinct; which was ordered to lie on the table.

Mr Coopwood, from the select committee to whom was referred joint resolutions to the Congress of the United States relative to the fortifications on Dauphin Island, reported the same without amendment; which was concurred in, and the resolutions read a second time and ordered to a third reading on to-morrow.

The Senate then adjourned until 9 o'clock to-morrow.

*Friday, Dec. 9, 1831.*—The Senate met pursuant to adjournment.

Mr McElderry, from the committee on accounts and claims to whom was referred the account of Elias Jenkins, reported that they had had the same under consideration, and that the same was not sufficiently authenticated, and asked leave to be discharged from the further consideration of the subject. Mr Perry moved to lay the report and account on the table; which was adopted.

Mr Vining, from the special committee to whom was referred a bill to provide for the electing and qualifying justices of the peace, reported the same with an amendment, which is as follows: after the word persons

in the first section of the bill, insert "one of whom shall be notified by the sheriff at least fifteen days before the time of holding the said election;" which report was concurred in. Mr Vining moved to amend the second section by striking out the words "one dollar," and insert "fifty cents;" which was carried, and bill ordered to be engrossed for a third reading on to-morrow.

Mr Powell introduced a bill to be entitled an act to authorize the investment of a certain sum of money, for the purpose of increasing the capital of the Bank of the State of Alabama; which was read the first time, and the constitutional rule being suspended, the bill was read forthwith a second time and referred to the committee on the State Bank.

The Senate then proceeded to the orders of the day.

An engrossed bill to be entitled an act supplementary to an act for the improvement of the Tennessee river and for other purposes, was read a third time and ordered to lie on the table until to-morrow.

Engrossed joint resolutions to the Congress of the United States, relative to the fortifications on Dauphin Island, was read a third time and passed. Yeas 17—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elerry Morton Perry Powell Vining.

Those who voted in the negative Mr Abercrombie.

*Ordered*, that the title of the resolution be as above.

Joint resolutions amending the Constitution of the State, were laid on the table until to-morrow.

Mr Bridges, from the committee on accounts and claims to whom was referred the petition of the land commissioners, asking further compensation for their services, reported that the compensation asked for was not authorized by the law now existing, and asked leave to be discharged from the further consideration of the subject. Mr Bridges moved to lay the report and petition on the table; which was adopted.

Mr Erwin of G. moved to take from the table a resolution relative to the judicial circuits; which was carried. Mr Erwin moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following: "That the judiciary committee be instructed to inquire into the expediency of reorganizing the judicial circuits of this State more, particularly with a view of ascertaining whether any of said circuits can be abolished or changed without injury to the people, or the imposition of unwarrantable additional duties on the circuit judges;" which was adopted.

Mr Bridges, from the select committee to whom was referred a bill to be entitled an act to emancipate certain slaves therein named, reported the same without amendment. Mr Abercrombie moved to lay the bill on the table; which was carried.

The Senate then adjourned until to-morrow 10 o'clock.

*Saturday, Dec. 10, 1831.*—The Senate met pursuant to adjournment.

Mr Irwin of H. presented the petition of the sheriff of Covington county; which was read and on motion of Mr Irwin was withdrawn.

Mr Irwin of H. presented the report of the adjutant-general; which was referred to the military committee.

Mr Irwin, from the military committee to whom was referred the resolution relative to reducing the size of the divisions and brigades of the militia of this State, reported a bill to be entitled an act to reduce the size of the divisions and brigades of the militia of this State; which report



was concurred in and the bill read and made the order of the day for a second reading on Monday next.

Mr Lawler introduced a bill to be entitled an act to place so much of the State road leading from Cahawba to Huntsville, as runs through the county of Shelby, under the control of the court of commissioners of revenue and roads of said county.

Mr Irwin of H. moved to take from the table the message from the House of Representatives, proposing to go into the election of an adjutant and inspector general; which was adopted.

Mr Erwin of G. moved to amend the resolution by striking out the words "this day at the hour of 12 o'clock," and inserting in lieu thereof "on Saturday the 10th instant at the hour of 11 o'clock;" which was adopted. *Ordered*, that the secretary acquaint the House therewith.

Mr Bridges moved to take from the table a bill for the government of gin holders; which was adopted. Mr Bridges moved to amend the bill by adding thereto two additional sections. Mr Perry moved that the bill and amendments be laid on the table until Monday; which carried.

Mr Morton introduced a bill to be entitled an act to repeal in part and amend an act entitled an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University, passed 24th December 1822; which was read, and the constitutional rule being dispensed with, was read a second time forthwith and referred to the committee on education.

Mr Anderson offered the following resolution, viz: *Resolved*, that the military committee be instructed to inquire into the expediency of so amending the militia laws of this State as to authorize an appeal from the decision of a battalion to a regimental court martial; which was adopted.

Mr Irwin of H. moved to take from the table a bill to establish an election precinct therein named; which was carried. Mr Irwin moved to amend the same by an additional section; which was carried. Mr Abercrombie moved further to amend the same by adding thereto another additional section; which was adopted. Mr Perry moved to refer the bill and amendments to a select committee; which was carried, and the bill was referred to Messrs Barclay, Irwin, and Hogan, as said committee.

Mr Barclay introduced a bill to be entitled an act for the relief of Henry Blanat; which was read and ordered to a second reading on Monday next.

Engrossed bill to be entitled an act supplementary to an act entitled an act for the improvement of the Tennessee river and for other purposes, was read a third time and passed the Senate. *Ordered*, that the title of the bill be as above.

Engrossed bill to be entitled an act to provide for electing and qualifying justices of the peace, was read a third time and passed the Senate.

*Ordered*, that the title of the act be as above. *Ordered*, that the secretary acquaint the House therewith.

Joint resolutions amending the constitution of the State, was taken up and laid on the table until Monday next.

Mr Hogan offered the following resolution, viz: *Resolved*, that the committee on the State printing be instructed to inquire into a payment made to the State printer of the sum of \$856 37 1-2 cents, for extra printing done for the State, and ascertain and report whether the state printer is not bound by law to do all the printing required by the State for which he receives the annual salary of \$2500. After some discussion thereupon, Mr Hogan moved to lay the resolution on the table; which was carried.

A message from the House of Representatives by Mr Van Dyke: Mr

President—The House of Representatives concur in the amendment of the Senate to the resolution proposing to go into the election of an adjutant and inspector general of the State of Alabama on Saturday at the 10th inst. at the hour of 11 o'clock. The House of Representatives have adopted the following resolution, viz: *Resolved*, that the Senate be now informed that the House of Representatives is now ready to receive them for the purpose of going into the election of an adjutant and inspector general for the State of Alabama,

Mr Irwin of H. moved that the Senate repair to the Hall of the House, whereupon the Senate proceeded to the House of Representatives, were seated and proceeded to the election of an adjutant and inspector general.

James G. Carroll, and Luke Howard, being in nomination. Carroll, 83—Howard, 4.

Those who voted for Mr Carroll are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Perry Powell Smith Vining. Reps. Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Affee M'Collum M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Peete Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted for Mr Howard are, Mr Morton. Reps. Messrs M'Kinley M'Rea Payne.

Mr Carroll having received a majority of all the votes given, was declared by Mr Speaker to be duly elected adjutant general of the State of Alabama for four years from and after said election.

The Senate then withdrew to the Senate Chamber. Mr President resumed the chair,

And then the Senate adjourned until monday 10 o'clock.

*Monday, Dec. 12, 1831.*—The Senate met pursuant to adjournment.

Mr Pickett, from the committee on propositions and grievances to whom was referred the petition of Daniel Clayton and William J. Price, reported a bill to be entitled an act for the relief of Deniel Clayton and William J. Price; which was concurred in, the bill read and made the order of the day for a second reading on to-morrow.

Mr Anderson, from the joint select committee from both Houses of the General Assembly who were appointed to examine the accounts, vouchers and books of the offices of the comptroller and treasurer, reported that they had performed the duty assigned to them, and that they first examined the books, vouchers, and accouts of both officers from the 26th day of November 1830, up to the 26th day of November 1831, the dates of the annual reports, by comparing the vouchers in the comptroller's office with the law authorizing their payment, and by comparing them with the comptroller's books and the warrant issued thereon. They also compared the books of the comptroller and treasurer, and all the vouchers in the treasurer's office with his books. The additions of the books in both offices were examined with great care, and were found to be minutely correct. The books appear to have been kept in the neatest and best manner; and the vouchers appear to have been correctly filed. The cash in the treasury, including one hundred and thirty-five dollars of Fayetteville Bank notes, and eighteen dollars 12½ cents in treasury notes, was found to be forty-one thousand six hundred and seventy-nine dollars and eighty two cents, on the 26th day of November last which was evidenced to us by the amount deposited in Bank on that day.

Your committee consider it due to those officers to acknowledge the fa-

cility afforded them in the examination, and the promptness with which every inquiry was answered. The same mode of examination was pursued as regards the University funds and up to the same date. The \$18 12½ cents in Treasury notes your committee destroyed, and authorized the treasurer and comptroller to give themselves credit for that amount.

WILLIAM EDMONDSON, Ch'n. Senate.

THOMAS T. RIDDLE, Ch'n. H. Reps.

Mr Pickett introduced a bill to be entitled an act to simplify scira facias in criminal cases and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Pickett presented the account of Wade H. Cox, of Autauga; which was referred to the committee on accounts and claims.

Mr Hemphill, from the special committee to whom was referred a bill entitled an act to regulate the wharfage in the city of Mobile, reported that the committee had had the same under consideration and instructed him to report the same back to the House, with an amendment to strike out all after the enacting clause and insert in lieu thereof a substitute; which report was concurred in, the bill read and ordered to lie on the table.

A message from the House of Representatives by Mr Van Dyke: Mr President—The concurrence of the Senate is requested to a bill which originated in the House of Representatives, and which was there read three several times and passed, to be entitled an act to authorize Robert Hobdy, colonel commandant of the forty second regiment of the Alabama militia, to form a company beat with a less number than forty privates, in the county of Pike.

Engrossed bill from the House of Representatives to be entitled an act to authorize Robert Hobdy, colonel commandant of the forty-second regiment of the Alabama militia, to form a company beat with a less number than forty privates in the county of Pike was read and ordered to a second reading on to-morrow.

Mr Pickett offered the following resolution, viz: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of authorizing sheriffs to take bond or recognizance, and to judge of the security, instead of being compelled to take persons arrested before justices of the peace, and to report by bill or otherwise; which was adopted.

The Senate then proceeded to the orders of the day.

The bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company was taken up; on motion of Mr Bridges, the Senate resolved itself into a committee of the whole, Mr Bridges in the chair: and after some time spent in committee of the whole, the committee rose and Mr Bridges reported the bill without amendment, and asked leave to be discharged from the further consideration of the subject; which was granted. Mr Bridges then moved to lay the bill on the table until to-morrow; which was carried.

Engrossed bill to be entitled an act to secure to females covert their estates against the debts of their husbands contracted before marriage, and to the husbands their estates against the debts of their wives contracted before marriage, read the third time and laid on the table. Mr Lawler moved to lay the bill on the table until Saturday; which was lost. Mr Perry moved to lay the bill on the table until Thursday next; which was carried.

A bill to be entitled an act to authorize the judges of the county court and commissioners of roads and revenue of the county of Montgomery to fix the toll of the different ferries and bridges on the road leading from

the town of Montgomery to Fort Mitchell, was taken up, and on motion of Mr Abercrombie, was laid on the table until to-morrow.

A bill and report to be entitled an act to amend an act relating to the suppression of the evil practice of duelling, was taken up, and the report of the committee to whom the subject was referred was concurred in. Yeas 15 Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Barclay Bridges Conner Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Pickett Powell Smith and Vining.

Those who voted in the negative are, Messrs Abercrombie Anderson Coopwood Dupuy, Morton and Perry.

Mr Bridges moved that the Bill be engrossed and read a third time on to-morrow. Mr Smith moved to postpone the further consideration of the bill until the first Monday in August next; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson Edmondson Irwin of H. Lawler M'Elderry Morton Pickett Smith Vining.

Those who voted in the negative are, Messrs President Abercrombie Barclay Bridges Conner Coopwood Dupuy Erwin of G. Hemphill Hogan Perry and Powell.

The bill was then ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to preclude from office all members of the Legislature during the time for which they have been elected, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, was taken up and recommitted to the committee on the State Bank to perfect the amendments thereto.

Joint resolutions to amend the constitution of the State of Alabama, were taken up and laid on the table until to-morrow.

A bill to be entitled an act for the relief of Henry Blavat, was read a second time and amended by adding to the last part of the section, the words "within the county of Jackson." The bill was then, on motion of Mr Barclay, ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to repeal in part an act entitled an act for the government of gin holders, with the amendments thereto proposed, was laid on the table until to-morrow.

A bill to be entitled an act to place so much of the State road leading from Cahawba to Huntsville, as runs through the county of Shelby, under the control of the judge of the county court and commissioners of roads and revenue, was taken up, read a second time, and referred to a select committee consisting of messrs Lawler, Perry and Conner.

A bill to be entitled an act to reduce the size of the several divisions and brigades of the militia of this State, was read a second time and ordered to lie on the table until to-morrow.

Engrossed bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, was read a third time; and on motion of Mr Powell, was referred to a select committee, with instructions to amend the bill by striking out the seventh section: whereupon, messrs Powell, Smith and Erwin of G. were appointed said committee.

A message from the House of Representatives by Mr Van Dyke: Mr President—The concurrence of the Senate is requested to joint resolutions which originated in the House of Representatives, and which were there read three several times and passed, entitled joint resolutions in relation to white settlers on Indian territory and State jurisdiction.

Joint resolutions from the House of Representatives in relation to white settlers on Indian territory, and in relation to State jurisdiction, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to emancipate a certain slave therein named, was read a third time. Mr Powell moved to amend the bill by way of engrossed rider, by adding thereto another section; which was read three several times and adopted, and the bill pass the Senate. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay, Conner, Coopwood, Dupuy, Hemphill, Lawler, M'Elerry, Morton, Perry, Powell and Vining.

Those who voted in the negative are, Messrs President, Bridges, Edmondson, Erwin of G. Irwin of H. Pickett and Smith.

Mr Morton moved to take from the table, a bill to be entitled an act to regulate the tax fees of attorneys on all debts collected in favor of the Bank of the State of Alabama; which was ordered again to lie on the table.

And then the Senate adjourned until to-morrow 10 o'clock.

*Tuesday, Dec. 13, 1831.*—The Senate met pursuant to adjournment.

Mr Pickett, from the committee on education to whom was referred the bill to be entitled an act to provide for branches of the University in each county in this State, reported the same without amendment and as inexpedient. The bill and report was ordered to lie on the table.

Mr Erwin of G. from the same committee to whom was referred a bill to be entitled an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University, passed 24th Dec. 1822, reported the same without amendment. Mr Morton moved to lay the bill and amendment on the table; which was adopted.

Mr Hogan, from the committee on the State Bank to whom was referred a bill to be entitled an act to authorize the investment of a certain sum of money for the purpose of increasing the capital stock of the Bank of the State of Alabama, reported the same with an additional section in the following words: "*And be it further enacted*, That any other person or persons may avail himself or themselves of the provisions of this act, and may in like manner invest any sum of money, not less than five thousand dollars: *Provided however*, that the sums thus invested, shall not be liable to taxation." Mr Irwin of H. moved to strike from the section, the proviso; which was carried. Mr Smith moved to lay the bill and amendment on the table until the first day of June; which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Erwin of G. Hemphill, Perry, Pickett, and Smith.

Those who voted in the negative are, Messrs President, Barclay, Bridges, Conner, Dupuy, Edmondson, Hogan, Irwin of H. Lawler, M'Elerry, Morton, Powell, and Vining.

Mr Irwin of H. moved further to amend the bill by inserting after the words "five thousand dollars," "not exceeding one hundred thousand dollars;" which was lost. Mr Powell then moved that the bill be engrossed for a third reading until to-morrow. Mr Smith moved to lay the bill on the table until to-morrow; which was lost. Mr Lawler moved to amend the second section, by inserting the words "not exceeding," immediately after the word "interest;" which was carried. Mr Abercrombie moved to amend the bill by a proviso at the end of the last section;

which was adopted. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Hogan, from the same committee to whom was referred the resolution relative to a Bank Director or member of the General Assembly, being a Bank Attorney, reported a bill; which was concurred in, and read and ordered to a second reading on to-morrow.

Mr Anderson introduced a bill to be entitled an act to amend an act entitled an act for to provide for the location of the seat of justice in Pickens county, approved January, 1830; was read and ordered to a second reading on to-morrow.

Mr Pickett introduced a bill to be entitled an act in relation to judges and clerks of the county court fees; which was read and ordered to a second reading on to-morrow.

Mr Hogan introduced a bill to be entitled an act amendatory to the several acts now in force, relative to the improving a road leading from Blakely to the upper line of Baldwin county, by way of Durants; which was read and ordered to a second reading on to-morrow.

Mr Bridges introduced a bill to be entitled an act amendatory to the several acts concerning witnesses; which was read and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—I am instructed by the House of Representatives to request the concurrence of the Senate to a bill which originated in their House, and which they have read three several times and passed, to be entitled an act to incorporate the Cahawba guards. The concurrence of the Senate is also requested to the following resolution which the House of Representatives have adopted: *Resolved*, that with the concurrence of the Senate the two Houses will convene in the Representative Hall on Tuesday the 10th inst. at the hour of 3 o'clock, P. M. for the purpose of electing a Comptroller of public accounts and state treasurer.

The Senate took up the resolution of the House of Representatives to go into the election of comptroller and State treasurer. Mr Smith moved to amend the resolution by adding thereto "a Harbour Master and four Port Wardens for the city of Mobile."

Mr Perry moved that the Senate adjourn until to-morrow 10 oclock; which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Bridges, Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. M'Eldey Perry Smith.

Those who voted in the negative are, Messrs Abercrombie Anderson Barclay Coopwood Lawler Morton Pickett Powell and Vining.

And then the Senate adjourned until to-morrow 10 o'clock.

*Wednesday, Dec. 14, 1831.*—The Senate met pursuant to adjournment.

Mr Coopwood moved to take from the table the bill to be entitled an act to provide for and set apart a special fund for the establishment of preparatory schools in each county in this State; which was adopted.—Mr Coopwood then moved that the bill be recommitted to a select committee; which was carried: whereupon, messrs Coopwood, Lawler and Erwin of G. were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Cahawba Guards and for other purposes, was read, and the rule being suspended which requires bills to be read three several times on three several days; and the bill was read a second time and referred to the military committee.

The resolution from the House of Representatives proposing to go into



the election of a Comptroller and Treasurer of the State, together with Mr Smith's amendment to go into the election of Harbour Master and Port Wardens, a call of the House was made, whereupon, the bill was laid on the table for one hour.

Mr Lawler moved to take from the table the memorial to the Congress of the United States, requesting the unappropriated lands in this State for the purpose of internal improvement and education. Mr Abercrombie moved to lay the memorial on the table; which was lost. Yeas 6—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Anderson Coopwood Hemphill Irwin of H. and Perry.

Those who voted in the negative are, Messrs President Barclay Bridges Connor Dupuy, Edmondson Erwin of G. Hogan Lawler M'Elderry Morton Pickett Smith and Vining.

Mr Lawler moved to refer the memorial to a select committee; which was adopted: and Mr President appointed messrs Lawler Erwin of G. and Bridges.

A bill for the relief of Daniel Clayton and William J. Price, was taken up and read a second time; and on motion of Mr Barclay, was amended by striking out the word "fifty," and inserting "one hundred;" which was adopted, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr Pickett introduced a bill to be entitled an act to improve the navigation of the Coosa river and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Hogan introduced a bill to be entitled an act to exempt officers of the Bank from attending as witnesses in the courts of this State, except the county of Tuscaloosa; which was read and ordered to a second reading on to-morrow.

Mr Erwin of G. offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of providing by law, for taking the testimony of the Governor, Secretary of State, Comptroller, Treasurer and Judges of the Circuit Courts, Clerks of the Supreme, Circuit and County Courts, Sheriffs of the several counties the President, Cashier, Teller and Clerks of the Bank of the State of Alabama, the President and Professors of the University of the State of Alabama, by deposition in all civil causes in which their evidence may be desired; which was adopted.

Engrossed joint resolution in relation to white settlers on Indian territory and State jurisdiction, was read a second time and referred to the committee on Indian affairs.

A bill to be entitled an act to simplify *scire facias* in criminal cases and for other purposes, was read a second time and referred to the committee on the judiciary.

The hour having elapsed after the call of the Senate, the resolution from the House of Representatives proposing to go into the election of a Comptroller of Public Accounts and State Treasurer, with Mr Smith's amendment to elect a Harbour Master and four Port Wardens, was taken up. Mr Coopwood moved to lay the resolution on the table; which was lost. Yeas 6—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bridges Connor Coopwood Hogan Pickett and Vining.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Perry Powell Smith and Walthall.

Mr Smith moved the adoption of his amendment to the resolution; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Barclay Bridges Conner Erwin of G. Perry Pickett Smith Vining and Walthall.

Those who voted in the negative are, Messrs Abercrombie Anderson Coopwood Dupuy Edmondson Hemphill Hogan Irwin of H. Lawler M'Elderry Morton and Powell.

Mr Coopwood moved to amend the resolution by striking out "Tuesday the thirteenth," and inserting in lieu thereof "Wednesday the fourteenth;" which was adopted, and the Secretary ordered to acquaint the House therewith.

A bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read a second time. Mr Jackson moved to refer the bill to the committee on inland navigation; which was, after considerable discussion, carried.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Bridges Conner Edmondson Erwin of G. Hogan Lawler Perry Pickett Powell Smith and Vining,—14.

Those who voted in the negative are, Messrs Barclay Coopwood Dupuy Hemphill Irwin of H. M'Elderry Morton and Walthall,—8.

The Senate then adjourned until half past 2 o'clock.

*Half past 2 o'clock.*—Senate met pursuant to adjournment.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives concur in the amendment of the Senate to the resolution of the House, to go into the election of a Comptroller and Treasurer.

Mr Lawler presented the petition of Edward King and Thomas I. Walker, relative to a road therein named; which was referred to the committee on propositions and grievances.

Mr President announced the memorial of Samuel Gates, of Pensacola, on the subject of a bridge across the Conecuh river, in Covington county; which was read and referred to the committee on roads, bridges and ferries.

Mr Coopwood introduced a bill to be entitled an act to incorporate the Moulton Female Academy; which was read and ordered to a second reading on to-morrow.

Mr Erwin of G. moved that mr Morton be added to the committee on education; which was adopted.

The Senate proceeded to the further consideration of the orders of the day.

The engrossed bill to be entitled an act to authorize Robert Hobdy, Col. Commandant of the 42d regiment of Alabama militia, to form a company beat with a less number of privates than forty, in the county of Pike, was read a second time and referred to the military committee.

Engrossed bill to be entitled an act to amend an act to suppress the evil practice of duelling, was read a third time and rejected. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Bridges Conner Coopwood Erwin of G. Hemphill Hogan Perry Powell and Vining.

Those who voted in the negative are, Messrs Anderson Barclay Dnpuy Edmondson Irwin of H. Lawler M'Elderry Morton Pickett Smith and Vining.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed, that the House is now ready to receive them in their Hall, for the purpose of going into the election of a Comptroller of public accounts and a State Treasurer.

The Senate repaired to the Hall of the House, was seated, and proceeded to the election of a Comptroler of public accounts, George W. Crabb being in nomination. George W. Crabb 88 votes.

Those who voted for Mr Crabb are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Irwin of H. Lawler, M'Elderry, Morton, Perry, Pickett, Powell, Vining, and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Hall of B. Harris, Herbert, Hickman, Hollis, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

Mr Crabb having received all the votes given, Mr Speaker declared him duly elected Comptroller of public accounts for the ensuing year.

The two Houses then proceeded to the election of a State Treasurer, Harden Perkins being in nomination. Perkins 90 votes.

Those who voted for Mr Perkins are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Mr Perkins having received all the votes given, was declared by Mr Speaker duly elected State Treasurer for the ensuing year.

The Senate withdrew to the Senate Chamber: Mr President resumed his chair.

Mr Powell, from the committee on enrolled bills, reported the following bills as correctly enrolled, viz: "an act to incorporate the town of Hayneville; an act to change the names of, and to render legitimate certain persons therein named; an act to change the time of holding the county courts of Clarke county."

The Senate then adjourned until to-morrow 10 o'clock.

*Thursday, Dec. 15, 1831.*—The Senate met pursuant to adjournment.

Mr Walthall presented the petition of William Reed and others; which was referred to a select committee consisting of messrs Walthall, M'Elderry and Morton.

Mr Morton, from the committee on roads, bridges and ferries, to whom was referred the resolution inquiring into the expediency of dividing the three per cent fund among the counties of this State in proportion to the population thereof, have had the same under consideration, and reported that it was inexpedient to make such disposition of the fund. Mr Irwin of H. moved to lay the report and resolution on the table until the first day of June next; which was lost. Yeas 5—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Irwin of H. Lawler, Pickett, Smith and Walthall.

Those who voted in the negative are, Messrs President, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, M'Elderry, Morton, Perry, Powell and Vining.

Mr Barclay moved that the Senate disagree to the report of the committee. Mr Lawler moved that the report and resolution lie on the table; which was adopted.

Mr Hogan, from the committee on the State Bank to whom was referred the bill to increase the capital stock of the Bank of the State of Alabama,

together with the amendment of Mr Erwin of G. reported the bill without amendment, and that it was inexpedient to adopt the amendment proposed; in which report the Senate concurred. Yeas 14—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Anderson Barclay Bridges Conner Dupuy Hemphill Hogan M·Elderry Morton Pickett Powell Smith and Walthall.

Those who voted in the negative are, Messrs President Coopwood Edmondson Erwin of G. Irwin of H. Lawler Perry and Vining.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Morton, from the committee on roads, bridges and ferries, to whom was referred the resolution requiring them to report on the expediency of justices of the peace to meet at the court-house and apportion the hands to work on the several roads in their respective counties, and such other amendments to the road law as may be deemed necessary, reported that it was inexpedient to legislate on the subject at this time; which was concurred in.

Mr M·Elderry from the committee on the State Bank to whom was referred the petition of the citizens of Montgomery county, praying a branch of the State Bank, and also a resolution inquiring into the expediency of establishing a branch in the Tennessee Valley, reported a bill to be entitled a bill to establish a branch Bank of the State of Alabama; which was read and ordered to a second reading on to-morrow.

Mr Hemphill, from the committee on Indian affairs to whom was referred joint resolutions from the House of Representatives, relative to white settlers on Indian territory and State jurisdiction, reported the same without amendment. Mr Smith moved to lay the resolution and report on the table; which was lost. Yeas 4—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Edmondson, Hogan, Smith, and Vining.

Those who voted in the negative are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Erwin of G. Hemphill, Irwin of H. Lawler, M·Elderry, Morton, Perry, Powell, and Walthall.

Mr Bridges moved to strike out the third section of the bill; which was lost. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Bridges, Edmondson Erwin of G. Hogan Smith and Vining.

Those who voted in the negative are, Messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Hemphill Irwin of H. Lawler M·Elderry Morton Perry Pickett Powell Walthall.

Mr Hemphill moved to read the resolution forthwith a third time. Mr Hogan made a point of order on reading the resolution forthwith a third time. The chair decided that it was in order, from which decision Mr Hogan appealed to the Senate. For sustaining the chair 13—Against sustaining the chair 8.

Those who voted in the affirmative are, Messrs Abercrombie Anderson Barclay Conner Dupuy Irwin of H. Lawler M·Elderry Morton Perry Pickett Powell Walthall.

Those who voted in the negative are, Messrs Bridges Coopwood Edmondson Erwin of G. Hemphill Hogan Smith and Vining.

So the chair was sustained.

The question then recurred on Mr Hemphill's motion to read the resolution forthwith a third time; which was carried. Yeas 17—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Erwin of G. Hemphill Irwin of H. Lawler M·Elderry Morton Perry Pickett Walthall.

Those who voted in the negative are, Messrs Edmondson Hogan Powell Smith and Vining.

The resolutions were then read a third time and passed the Senate. Yeas 13. Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Hemphill Irwin of H. Lawler Morton Perry Pickett Walthall.

Those who voted in the negative are, Messrs President Bridges Edmondson Erwin of G. Hogan M'Elderry Powell Smith Vining.

Mr Morton introduced a bill to class and fix the price of University lands forfeited for non-payment of purchase money and for other purposes; which was read, and the constitutional rule being suspended was read a second time forthwith. *Ordered* to lie on the table and fifty copies thereof to be printed.

Mr Lawler, from the select committee to whom was referred the memorial to the congress of the United States on the subject of the public lands within this State, reported the same with sundry amendments. Mr Lawler moved to lay the memorial and amendments on the table until Monday next; which was carried.

Mr Bridges introduced a bill to be entitled an act to repeal in part an act entitled an act to provide for the more effectual administration of justice; which was read and ordered to a second reading on to-morrow.

Mr Irwin of H. moved to reconsider the vote which was taken on yesterday upon the bill to be entitled an act to amend an act entitled an act to suppress the evil practice of duelling; which was carried. Mr Irwin moved to lay the bill on the table until Monday; which was adopted.

A message from the House of Representatives by Mr Tunstall: Mr President—I am instructed to request the concurrence of the Senate to a bill which originated in the House of Representatives, and which was there read three several times and passed, to be entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes.

Engrossed bill from the House of Representatives; entitled an act to prevent the introduction of slaves into Alabama and for other purposes, was read, and the constitutional rule requiring bills to be read three several times on three several days being suspended, the bill was read a second time forthwith, and referred to the committee on the judiciary.

A message from His Excellency the Governor:

*To the Senate of the State of Alabama,*

EXECUTIVE OFFICE, Dec. 15, 1831.

Since my communication to the Senate of the 29th November, the report of the Engineer has been made to the president of the board of internal improvement, which I herewith transmit to the Senate: From the great length of the document it would require some time to have copies prepared for the two Houses; and to prevent delay in communicating the important information it contains, I send the original; and request that it may be sent to the House of Representatives when the subject shall be disposed of by the Senate. The Engineer will be ready with maps, &c. to make any explanation which may be required.

JOHN GAYLE.

Mr Hogan moved to lay the communication on the table together with the report, and that one hundred copies of the report be printed; which was adopted.

The Senate then proceeded to the orders of the day.

Engrossed bill for the relief of Henry Blavat was taken up, read a third time and rejected.

Mr Coopwood moved that the Senate adjourn until to-morrow 10 o'clock; which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay Conner Coopwood Hemphill Perry Powell Smith.

Those who voted in the negative are, Messrs President Abercrombie Anderson Bridges Edmondson Erwin of G. Hogan Irwin of H. Lawler M'Elderry Pickett Walthall.

Engrossed bill to be entitled an act to preclude from office all members of

the General Assembly during the term for which they have been elected, was read a third time and passed the Senate. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bridges Connor Edmondson Erwin of G. Hogan M'Elderry Pickett<sup>d</sup> Powell Smith and Vining.

Those who voted in the negative are, Messrs President Abercrombie Barckley Coopwood Hemphill Irwin of H. Lawler Perry Walthall.

Mr Hogan moved to reconsider the vote just taken upon the bill to preclude members of the Legislature from office; which was carried. Mr Hogan moved to lay the bill on the table; carried.

A bill to be entitled an act to reduce the size of the several divisions and brigades of the militia in the State of Alabama, was taken up, read a second time, and recommitted, on motion of Mr Hogan, to the military committee.

Mr Coopwood moved that the Senate adjourn until to-morrow morning 10 o'clock; which was lost. Yeas 9—Nays 11.

Those who voted in the affirmative are, Messrs Conner Coopwood Hemphill Irwin of H. Morton Perry Powell Smith and Vining.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Bridges Edmondson Erwin of G. Hogan Lawler M'Elderry Pickett and Walthall.

Joint resolutions proposing an amendment to the Constitution, were read a second time.

Mr Bridges moved to amend the resolutions, by referring them to the judiciary committee, with instructions to report suitable resolutions for calling a Convention for the purpose of framing a new Constitution; which was lost.

Mr Erwin of G. moved to amend the resolution by adding thereto another amendment to the Constitution of the State, in the following words, viz: Strike out all after the word "to" in the fourth line of the thirteenth section of the sixth article, and insert the following: "affirmed by the Supreme Court of the State of Alabama;" which was adopted, and the amendment ordered to be read a second time on to-morrow.

A bill to be entitled an act to repeal in part an act entitled an act for the government of gin-holders, passed 16th November, 1818, with the amendment thereto, was read a second time.

Mr Hogan moved to amend the third section, by inserting the word "hundred" after "five" and before "Dollars;" which was lost.

Mr Hogan moved that the bill be referred to a select committee; which was carried: and Messrs Hogan, Perry, and Bridges were appointed said committee.

And the Senate adjourned until to-morrow 10 o'clock.

*Friday, Dec. 16, 1831.*—The Senate met pursuant to adjournment.

Mr Walthall, from the committee on inland navigation to whom was referred a bill supplementary to an act for the improvement of the Tennessee river, and for other purposes, reported the same without amendment; which was read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr Erwin, of the military committee to whom was referred the bill to incorporate the Cahawba Guards, and for other purposes, reported the bill with an additional section, extending the provisions of the act to the Florence Artillery Company. Mr Perry moved that the bill be read a third time forthwith, which motion prevailed; and the bill was read a third time and passed the Senate. *Ordered*, that the title of the bill be as above.

Mr Irwin of H. from the same committee to whom was referred the engrossed bill from the House of Representatives entitled an act to authorize Robert Hobdy to form a company beat with less than forty privates, in the



county of Pike, reported the same without amendment; which was concurred in, and the bill read a third time and passed the Senate.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution, in which they request the concurrence of the Senate: *Resolved by the House of Representatives*, That with the concurrence of the Senate, the two houses will, at the hour of 11 o'clock on the 16th inst. assemble in the Representative Hall, for the purpose of electing five wardens for the port of Mobile; and out of that number to elect a Harbor Master for said port. Mr Perry moved that the Senate concur therewith; which was adopted. *Ordered*, that the Secretary acquaint the House therewith.

Mr Irwin, from the military committee to whom was referred the resolution relating to company musters, reported a bill, which was concurred in; the bill read, and ordered to a second reading on to-morrow.

Mr Irwin, from the same committee to whom was referred the resolution inquiring into the expediency of granting appeals from a battalion to a regimental court martial, reported the same as inexpedient. Mr Irwin then moved to withdraw the report and resolution; granted.

Mr Bridges, from the special committee relative to the Delaware resolutions, reported the same back to the Senate without amendment, and asked leave to be discharged from the further consideration thereof; which was granted, and the committee accordingly discharged.

Mr Erwin of G. from the judiciary committee to whom was referred the bill for the more speedy trial of slaves and persons of color, reported that they had had the same under consideration, and reported a substitute for the same. Mr Bridges moved to amend the substitute, by striking out "ten," and inserting "twenty;" which was lost. Mr Bridges moved to amend the seventh section of the bill; which was lost. Mr Coopwood moved to reconsider the vote just taken; which was adopted. Mr Powell moved to strike out the word "shall," and insert the word "may," in the seventh section; which was carried. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bridges Conner Coopwood Dupéy Edmondson Hogan Irwin of H. Lawler M'Elderry Morton Pickett Powell Smith Vining and Walthall.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barckley Erwin of G. Hemphill.

Mr Pickett moved further to amend the bill by striking out all that part which requires the jury to be slaveholders; which was adopted. Yeas 11—Nays 10.

Those who voted in the affirmative are, Messrs President Anderson Barckley Conner Hemphill Lawler M'Elderry Morton Pickett Smith and Walthall.

Those who voted in the negative are, Messrs Abercrombie Bridges Coopwood Dupéy Edmondson Erwin of G. Irwin of H. Perry Powell and Vining.

The Senate then adopted the substitute for the original bill; which was ordered to be engrossed for a third reading on to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House have adopted the following resolution: *Resolved*, that the Senate be informed that the House of Representatives are now ready to receive them in their Hall for the purpose of electing five port wardens, and to elect therefrom a harbour master, for the port and harbour of Mobile.

Whereupon the Senate proceeded to the Hall of the House, were seated and entered upon the election of five port warden. Jeremiah Austill, Levin Gayle, Frederick Sheffield, Daniel Fowler, A. Armstrong, S. G. Swift, William H. Bliss, Curtis Lewis, Russel W. Lewis, W. G. Cleaveland, William Austin, and Henry Cheeseborough, being in nomination.

For Austill, 73; Gayle, 55; Sheffield, 60; Fowler, 41; Armstrong, 44; S. G. Swift, 29; Bliss, 55; C. Lewis, 50; R. Lewis, 13; W. H. Cleaveland, 35; Austin, 9; Cheeseborough, 2.

Those who voted for Mr Austill, are, Messrs President, Abercrombie, Anderson, Bridges, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill Irwin of H. Lawler, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Hall of A. Hall of B. Harris, Herbert, Hickman, Hollis, Hubbard, Keener, King of P. Lane, Lea, Lockhart, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Swink, Tarrant, Terrell, Ward, Watkins, Wilkinson.

Those who voted for Mr Gayle are, messrs Barclay, Bridges, Conner, Coopwood, Edmondson, Erwin of G. Lawler Perry, Pickett, Smith, Vining and Walthall. Reps. Messrs Abernathy, Acklen, Augustus, Boyd, Campbell, Carroll, Faulk, Foster, Gilbreath, Goodwin, Goyne, Hall of A. Hays, Hickman, Hollis, Johnston, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, M'Afee, M'Kinley, M'Collum, M'Rea, M'Vay, Moffett, Nabors, Norwood, Oliver of C. Payne, Philpot, Rather, Riddle, Saunders of L. Shackelford, Shearer, Swink, Snedcor Terrell, Ward, Wilkinson.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Anderson Conner Hemphill Irwin of H. Lawler M'Elderry Morton Perry Pickett Walthall. Reps. Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Cook Carroll Craig Dellet Drish Farrar Fontaine Foster Gilbreath Goodwin Hall of A. Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Lea M'Rae Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Swink Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Fowler are, Messrs President, Abercrombie, Anderson, Erwin of G. Hemphill, Irwin of H. M'Elderry, Powell, Smith, Reps. messrs Speaker, Augustus, Baker, Brodnax, Cook, Craig, Dellet, Drish, Fontaine, Goodwin, Hall of A. Harris, Herbert, Hickman, Hubbard, Keener, M'Kinley, Moore, Musgrove, Nabors, Norwood, Oliver of M. Paul, Peete, Rather, Ross, Rugely Saunders of D. Shearer, Stephens, Toulmin, Watkins.

Those who voted for Mr Armstrong are, messrs President Abercrombie Hemphill Irwin of H. Powell Walthall. Reps. Messrs Abernathy Acklen Baker Brodnax Carroll Cook Craig Dellet Drish Faulk Farrar Fontaine Goodwin Goyne Harris Hays Herbert Hubbard Johnson Keener Lane M'Afee Lockhart M'Kinley Moore Oliver of M. Ross Rugely Saunders of D. Saunders of L. Shackelford Snedcor Stephens Tarrant Toulmin Walker Ward Wilkinson.

Those who voted for Mr Swift are, Messrs Abercrombie Hemphill Hogan. Reps. Messrs Speaker Baker Brodnax Cook Craig Erwin Faulk Farrar Hall of D. Hays Keener King of M. M'Collum M'Vay Oliver of M. Paul Payne Peete Riddle Ross Rugely Saunders of D. Snedcor Stephens Toulmin and Walker.

Those who voted for Mr Bliss are, Messrs Anderson Barclay Conner Coopwood Dupuy M'Elderry, Morton Pickett Powell Smith Vining, Walthall. Reps. Messrs Abernathy Acklen Boyd Brodnax Campbell Carroll Drish Farrar Fontaine Foster Gilbreath Goyne Hays Hollis Hubbard Johnson Kilpatrick King of M. King of P. Lane Lea M'Afee M'Collum M'Rea M'Vay Moffet Musgrove Nabors Norwood Oliver of C. Paul Payne Philpott Rather Shackelford Shearer Swink Stevens Tarrant Terrell Walker Ward Watkins.

Those who voted for Mr C. Lewis, are, Messrs Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Hogan Irwin of H. Lawler M'Elderry Pickett Smith and Vining. Reps. Abernathy Augustus Boyd Campbell Craig Dellet Erwin Faulk Gilbreath Goyne Hall of A. Hall of B. Harris Hays Hickman Kilpatrick King of M. King of P. Lea M'Collum Lockhart M'Kinley M'Rea M'Vay Moore Oliver of C. Payne Peete Philpot Riddle Saunders of D. Shearer Swink Walker Ward Watkins Wilkinson.

Those who voted for Mr R. W. Lewis, are Messrs Barclay Bridges Dupuy Edmondson Erwin of G. Hogan Morton Pickett. Reps. Erwin Goyne M'Afee and Moffett.

Those who voted for Mr Cleaveland, are, Messrs President Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Morton Perry Powell Vining. Reps. Messrs Speaker Campbell Erwin Foster Harris Hollis Johnson Kilpatrick King of M. M'Afee M'Collum Musgrove Peete Shearer Snedcor Tarrant Terrell Toulmin Walker.

Those who voted for Mr Austin, Mr Hogan. Reps. messrs Speaker Hall of B. Hollis Moffet Norwood Peete Snedcor Stephens.

Those who voted for Mr Cheeseborough, are Messrs Perry and Herbert of the House of Representatives.

Messrs Austill, Sheffield, Gayle, Bliss, and Curtis Lewis, having received a majority of all the votes given in, were declared by Mr Speaker to be duly elected port wardens of the port of Mobile.

The two Houses then proceeded to elect a harbour master for the port and harbour of Mobile, Messrs Sheffield, C. Lewis, Gayle and Bliss being in nomination. Sheffield, 37; Lewis, 8; Gayle, 30; Bliss 17.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Hemphill Irwin of H. and Perry. Reps. Messrs Speaker Baker Brodnax Carroll Cook Craig Dellet Foster Herbert Hickman Hubbard Johnson Keener King of P. M'Rea Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Philpot Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Lewis are, Messrs Hogan M'Elderry. Reps. Boyd Erwin Hall of B. Harris Peete Ward.

Those who voted for Mr Gayle are, Messrs Bridges Conner Coopwood Edmondson Erwin of G. Lawler Pickett Smith Walthall. Reps. Augustus Campbell Faulk Goodwin Goynes Hall of A. Hays Kilpatrick King of M. Lane Lea Lockhart M'Afee M'Collum, M'Kinley M'Vay Moffett Payne Riddle Shackleford Snedcor.

Those who voted for Mr Bliss are, Messrs Anderson, Barclay Dupuy Powell and Vining. Reps. Messrs Abernathy Acklen Drish Farrar Fontaine Gilbreath Hollis Norwood Shearer Swink Stephens Walker.

Neither person having a majority the two Houses proceeded to a second ballot, Messrs Sheffield, Gayle, Austill, and Bliss being in nomination. Sheffield, 40—Gayle, 31—Austill, 5—Bliss, 17.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Hemphill Irwin of H. M'Elderry Perry. Reps.—Messrs Speaker Abernathy Baker Brodnax Campbell Carroll Cook Craig Dellet Foster Hall of B. Herbert Hickman Hubbard Johnston Keener King of P. M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Mr Gayle are, Messrs Bridges Conner Coopwood Edmondson Erwin of G. Lawler Pickett Smith and Walthall. Reps.—Augustus Boyd Campbell Faulk Goodwin Goynes Hall of A. Hays Kilpatrick King of M. Lane Lea Lockhart M'Afee M'Collum M'Kinley M'Vay Moffett Payne Riddle Shackleford Snedcor.

Those who voted for Mr Austill are, Mr Hogan. Reps.—Messrs Erwin Harris Oliver of C. Wilkinson.

Those who voted for Mr Bliss are, Messrs Anderson Barclay Dupey Morton Powell Vining. Reps.—Acklen Drish Farrar Fontaine Gilbreath Hollis Norwood Shearer Swink Stephens Walker.

Neither having a majority, the two houses proceeded to a third ballot, Mr Sheffield, Mr Gayle, Mr Austil, and Mr Bliss being in nomination. Sheffield 43—Gayle 31—Austil 4—Bliss 15.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Dupey Hemphill Irwin of H. M'Elderry Morton Perry. Reps.—Messrs Speaker Abernathy Baker Brodnax Carroll Cook Craig Dellet Foster Hall of B. Harris Herbert Hickman Hubbard Johnson Keener King of P. M'Rae Moore, Musgrove Nabors Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Mr Gayle are, Messrs Bridges Conner Coopwood Edmondson Erwin of G. Lawler Pickett Smith Walthall. Reps.—Augustus Boyd Campbell Faulk Goodwin Goynes Hall of A. Hays Kilpatrick King of M. Lane Lea Lockhart M'Afee M'Collum M'Kinley M'Vay Moffett Payne Riddle Shackleford Snedcor.

Those who voted for Mr Austill are, Mr Hogan. Reps.—Messrs Erwin Oliver of C. Wilkinson.

Those who voted for Mr Bliss are, Messrs Anderson Barclay Powell and Vining. Reps.—Acklen Drish Farrar Fontaine Gilbreath Hollis Norwood Shearer Swink Stephens Walker.

Neither having a majority, the two houses proceeded to a fourth ballot, Messrs Sheffield, Gayle, and Austill being in nomination. Sheffield 47—Gayle 40—Austil 5.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Dupuy Hemphill Irwin of H. M'Elderry Merton Perry Powell. Reps.—Messrs Speaker Abernathy Acklen Baker Bradnax Carril Cook Craig Dellet Drish Fontaine Foster Hall of B. Harris Herbert Hickman Hubbard Johnson Keener King of P. M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Mr Gayle are, Messrs Bridges Barclley Conner Coopwood Edmondson Erwin of G. Hogan Lawler Pickett Smith Vining and Walthall. Reps.—Augustus Beyd Campbell Faulk Gilbreath Goodwin Goyne Hall of A. Hays Hollis Kilpatrick King of M. Lane Lea Lockhart M'Afee M'Cullum M'Kinley M'Vay Moffet Norwood Payne Riddle Shackelford Shearer Smedcor Stephens Walker.

Those who voted for Mr Austill are, Mr Anderson. Reps.—Messrs Erwin Farrar Oliver of C. and Wilkenson.

Mr Sheffield having a majority of all the votes taken, was declared by mr Speaker duly elected Harbor Master of the Port and Harbor of the city of Mobile. The Senate withdrew to the Senate chamber: Mr President resumed his chair.

Mr Morton moved to suspend the orders of the day; which was carried.

Mr Morton offered the following resolution, viz: *Resolved*, that the judiciary committee be instructed to inquire into the constitutionality of establishing a Branch of the Bank of the State of Alabama, of establishing a bank and of renewing a bank charter at the present or any other session of the Legislature, and that they report their opinion thereon.

Mr Anderson introduced a bill to be entitled an act to repeal an act entitled an act regulating the compensation of jurors in Pickens county, passed 20th December, 1828; which was read and ordered to a second reading on to-morrow.

Mr Vining introduced a bill to be entitled an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on Paint Rock river in said county; which was read and ordered to a second reading to-morrow. The Senate adjourned until to-morrow 10 o'clock.

*Saturday, Dec. 17, 1831.*—The Senate met pursuant to adjournment.

Mr Lawler, from the select committee to whom was referred a bill relative to the State road leading from Cahawba to Huntsville, reported the same without amendment; which was concurred in, the bill read and ordered to a third reading on Monday next.

Mr Irwin of H. from the military committee to whom was referred the resolution relative to appeals from a battalion to a regimental court martial, reported the same as inexpedient.

Mr Irwin of H. from the same committee to whom was referred a bill to incorporate the Washington Light Infantry, in the county of Autauga, reported the same without amendment; which was concurred in, the bill read a second time and ordered to be engrossed for a third reading on Monday next.

Mr Walthall, from the committee on inland navigation to whom was referred the bill to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, reported the bill and amendments with the further amendments to strike out the words "perpetual succession," when it occurs in the first section, and by adding to the amendment as a proviso, the following section: *Provided*, none of said lateral railroads or branches of said road as established by this act shall extend beyond the limits of the counties lying on the Tennessee river; and that the Senate resolve itself into a committee of the whole: in all of which the Senate concurred; and that the committee be discharged from the further consideration of the subject. Mr Smith moved that the bill be made the special order of the day for Monday next; which was carried.

A message from the House of Representatives by mr Van Dyke: Mr Pro-

sident—The House of Representatives have passed the following bills : to be entitled an act to alter a road therein named ; an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all persons within one mile of the Huntsville road, living in Bibb county, to work on said road; in both of which the concurrence of the Senate is respectfully asked.

Engrossed bill to authorize the judge of the county court of Tuscaloosa county and the commissioners of roads and revenue to apportion all persons within one mile of the Huntsville road, living in Bibb county, to work on said road, was read and ordered to a second reading on Monday next.

Engrossed bill to be entitled an act to alter a certain road therein named, was read; and the constitutional rule being suspended was read a second time and referred to a select committee consisting of messrs Lawler, Conner and Edmondson.

Mr Barclay presented the petition of James Doran sr. and Lirney Doran his wife, relative to the emancipation of certain slaves therein named; which was read and ordered to a select committee consisting of Messrs Barclay Edmondson and Vining.

Mr Bridges offered the following resolution, viz: *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency of establishing the office of surveyor general in this State, and that they report by bill or otherwise; which was adopted.

A bill to be entitled an act to amend an act establishing a bank of the State of Alabama, was taken up, and on motion of Mr Perry was laid on the table until Monday next.

A bill to be entitled an act to amend an act entitled an act further to provide for the location of the seat of justice in Pickens county, approved January 13, 1830, was taken up and read a second time. Mr Powell moved to amend the bill by an additional section; which was adopted, and the bill ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act in relation to judge and clerk of county court fees, was read a second time and referred to the committee on the judiciary.

Mr Lawler, from the select committee to whom was referred the engrossed bill to be entitled an act to alter a road therein named, reported the same with an amendment; which was concurred in, the bill read a third time and passed the Senate. *Ordered*, that the title be as above.

A bill to be entitled an act amendatory of the several acts concerning witnesses was read a second time and ordered to be engrossed and read a third time on Monday next.

A bill to be entitled an act amendatory of the several acts now in force relative to the improving a road leading from Blakely to the upper line of Baldwin county by way of Durant's, was read a second time, and on motion of Mr Hemphill, the constitutional rule being suspended, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to authorize the investment of a certain sum of money for the purpose of increasing the capital stock of the Bank of the State of Alabama, was taken up, read a third time and on motion of Mr Smith was laid on the table.

A bill to be entitled an act to improve the Coosa river, and for other purposes, was read a second time and ordered to lie on the table, and fifty copies thereof ordered to be printed.

A bill to exempt the officers of the Bank from attending as witnesses out of



the county of Tuscaloosa, was read a second time and referred to the judiciary committee.

Engrossed bill for the relief of William J. Price and Daniel Clayton, was read a third time and passed the Senate. *Ordered*, that the title be as above.

A bill to be entitled an act to incorporate the Moulton Female Academy, was read the second time and ordered to be engrossed for a third reading on Monday next.

Engrossed bill to be entitled an act to secure to femes covert their estates against the debts of their husbands contracted before marriage, and the husbands their estates against the debts of the wife contracted before marriage, was read a third time and passed the Senate. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abernethie Barclay Bridges Connor Coopwood Dupuy Erwin of G. Hemphill Hogan Morton Perry Pickett Smith Vining.

Those who voted in the negative are, Messrs Edmondson Irwin of H. Lawler M'Elderry Walthall.

*Ordered*, that the title be as above.

Engrossed bill to be entitled an act to preclude from office all members of the Legislature, during the term for which they have been elected. Mr Coopwood moved to lay the bill on the table until Tuesday next; which was lost. Mr Coopwood moved for a call of the House, which was made, and the bill laid on the table for one hour.

Mr Barclay introduced a bill to be entitled an act to distribute the interest of the three per cent fund among the different counties of the State; which was read and ordered to a second reading on Monday next.

A message from His Excellency the Governor, by James I. Thornton, Esq. *To the Senate and House of Representatives, of the State of Alabama:*

EXECUTIVE OFFICE, Dec. 16, 1831.

I herewith lay before the General Assembly copies of a communication from the adjutant general, which accompanied his annual report to the Executive, dated 9th December, 1831. The comprehensive view which that officer presents of our militia system as now established, the manner in which he has pointed out its defects, and his suggestions of such amendments of the laws as would place it on a more respectable and desirable footing, are well worthy the consideration of the Legislature. It is apparent that the laws have failed in the essential particulars of enforcing such returns from the several divisions and brigades, as will afford any thing like a correct statement of the strength of the militia. This should at all times be known, as well to be prepared against such exigencies as may arise as to enable us to receive from the General Government the quantity of arms and accoutrements, to which, by the existing laws of Congress we are entitled.

The Hon. Benjamin W. Wilson, has resigned the office of judge of the county court for the county of Fayette. And the seats of John R. Lucas and Young A. Gray, in the Medical Board of Huntsville, have been vacated by the death of the former and the failure of the latter to attend the Board at its two last annual meetings.

JOHN GAYLE.

On motion, the message was laid on the table, and the communication of the adjutant general was referred to the military committee.

Mr Powell asked leave of absence for Mr Anderson, senator from Pickens, &c. until Tuesday next; which was granted.

Mr Powell introduced a bill to be entitled an act to authorize the transfer of causes from the county court to the circuit courts in particular cases; which was read, and the constitutional rule being suspended, was read a second time. the rule being further suspended, the bill was read a third time and passed the Senate. *Ordered*, that the title be as above.

Joint resolutions to amend the constitution of the State of Alabama, were read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to repeal in part an act entitled an act to pro-



vide for the more effectual administration of justice, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to establish a branch Bank of the State of Alabama, was taken up, and on motion of mr Coopwood ordered to lie on the table, and one hundred copies thereof to be printed for the use of the Senate.

A bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Montgomery, to establish the rates of toll at the different ferries and bridges on the road leading from the town of Montgomery to Fort Mitchell, together with the proviso offered by mr Hogan. The question was taken on adopting the proviso; which was lost. Yeas 2—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Hogan Smith.

Those who voted in the negative are, Messrs President Abercrombie Barclay Bridges Connor Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Perry Pickett Powell Vining and Walthall.

Mr Abercrombie moved to amend the bill with the following proviso, viz: *Provided*, the rates allowed by said court shall not be less to Indians than are allowed to free white citizens of Montgomery county for like ferries and toll bridges; which was adopted.

Mr Abercrombie moved further to amend the bill by inserting the words "or Lowndes" after the word "Montgomery" in the last section of the bill; which was adopted and the bill ordered to be engrossed for a third reading on Monday next.

The hour having elapsed, the bill entitled an act to preclude from office all members of the Legislature during the term for which they are elected, was taken up, read a third time and passed. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted for the bill are, Messrs President Bridges Connor Edmondson Erwin of G. Hogan M'Elderry Pickett Powell Smith Vining.

Those who voted in the negative are, Messrs Abercrombie Barclay Coopwood Hemphill Irwin of H. Lawler Perry Walthall.

*Ordered*, that the title of the act be as above.

Engrossed bill to be entitled an act to increase the capital stock of the bank of the State of Alabama, was taken up and read a third time, when mr Pickett moved to fill the first blank in the first section with the words "four hundred thousand;" which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay Coopwood Irwin of G. Hogan Irwin of H. Perry Pickett Smith.

Those who voted in the negative are, Messrs President Abercrombie Bridges Connor Edmondson Hemphill Lawler M'Elderry Powell Vining Walthall.

Mr Walthall moved to fill the blank with the words "three hundred thousand dollars;" which was carried. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Barclay Connor Coopwood Edmondson Hemphill Hogan Irwin of H. Lawler Perry Smith Walthall.

Those who voted in the negative are, Messrs President Bridges Erwin of G. M'Elderry Powell Vining.

The bill was then put upon its final passage, and passed the Senate. Yeas 14—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Barclay Connor Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler Perry Pickett Smith Walthall.

Those who voted in the negative are, Messrs President Bridges M'Elderry Powell Vining.

A bill to be entitled an act to authorize Joseph G. Garrett and James W. Hill of Madison county, to build a mill on river Paint Rock, in said county, was read a second time and ordered to a third reading on Monday.

Mr Bridges presented the petition of a large number of citizens of Wilcox on the subject of a new court-house and jail; which was referred to a select committee consisting of messrs Bridges, Pickett and Abercrombie.

Mr Perry presented the petition of Thomas Anderson and William Barnett, praying the emancipation of certain slaves therein named; which was referred to a select committee consisting of messrs Perry, Powell and Vining.

A bill to be entitled an act to repeal an act entitled an act regulating the compensation of jurors in Pickens county, approved 20th December 1828; was read a second time and ordered to be engrossed, the constitutional rule being suspended, was read a third time forthwith and passed the Senate. *Ordered*, that the title of the act be as above.

A bill to be entitled an act to repeal so much of the militia law as relates to company musters and company courts martial, was taken up. Mr Powell moved to amend the bill by abolishing company musters entirely. Mr Coopwood moved to lay the bill and amendment on the table until Tuesday next; which was adopted.

Mr Powell moved to reconsider the vote which was taken this day relative to the location of the seat of justice in Pickens county; which was carried. Mr Powell moved to amend the bill by adding thereto an additional section; which was adopted.

Mr Erwin of G. from the committee on education to whom was referred that part of the Governor's message, relative to compensating trustees of the University, reported a bill to be entitled an act to revive in part and amend an act to allow trustees of the University pay for their services, passed Dec. 26th, 1822; which was read and ordered to a second reading on Monday.

Mr Abercrombie presented the petition of many of the citizens of Montgomery relative to the reduction of the wharfage in the town of Montgomery; which was referred to a select committee consisting of messrs Abercrombie, Hemphill and Perry.

Engrossed bill to be entitled an act to provide for the more speedy trial of slaves and free persons of color, was taken up, and laid on the table until Monday next.

Engrossed bill to be entitled an act supplementary to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was read a third time and passed the Senate. *Ordered*, that the title of the act be as above.

Mr Barclay, from the select committee to whom was referred a bill to be entitled an act to establish an election-precinct therein named, reported the same with amendments, and the bill was ordered to lie on the table.

Mr Hemphill moved to take from the table, the bill regulating the rates of wharfage in the city of Mobile.

The Senate adjourned until 10 o'clock on Monday.

*Monday, Dec. 19, 1831.*—The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to whom was referred the bill to provide for digesting the laws of the State of Alabama, reported the same with an amendment, to strike out the words "the next General Assembly during the first week of the session," and insert "three persons, to be approved by joint vote of both Houses of the General Assembly one month before the next session thereof," and further, by adding an additional section, as Section 3: concurred in. Mr Erwin of G. moved to amend said section so as to allow compensation to the commissioners appointed to examine said digest; which was adopted, and the bill ordered to be read a third time on to-morrow.

Mr Bridges, from the select committee to whom was referred resolutions relative to memorializing Congress, reported a memorial to the Congress of the United States; which was concurred in, and the memorial was read the first time and ordered to a second reading on to-morrow.

Mr Erwin of G. offered the following resolution: *Resolved*, that the following rule be added to the standing rules of the Senate, viz: "After the Senate shall proceed to the orders of the day, they shall not be suspended, except to receive communications from the Governor and the House of Representatives, but on motion of a Senator and with the concurrence of two thirds of the Senate present;" which was, according to the rules of the Senate, laid on the table for one day.

Mr Hogan introduced a bill to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Vining introduced a bill to be entitled an act in relation to the trustees of the Huntsville Female Seminary; which was read and ordered to a second reading on to-morrow.

Mr Bridges introduced a bill to be entitled an act to repeal in part and amend an act entitled an act to prevent extortion by public officers, and for other purposes, approved 29th January, 1829; which was read and ordered to a second reading on to-morrow.

Mr Vining introduced a bill to be entitled an act concerning executors and administrators; which was read and ordered to a second reading on to-morrow.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill which originated in the Senate, entitled an act in part to repeal an act entitled an act to authorize the county court of Dale county to sell certain public buildings therein named, approved 8th December 1830.

A bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read a second time. Mr Coopwood moved to amend the fourth section of the bill by inserting after the word "work," "not exceeding one million of dollars;" which was adopted. Mr Coopwood moved to insert the word "non-resident," between the word "infant" and "*non compos*," in the fifth section; adopted. Mr M'Elderry moved to amend the sixth section by striking out "continuing eastward," and insert "such other place;" which was adopted. Mr Jackson moved to amend the eighth section by inserting the words "or use," after "obstruct." Mr Coopwood moved to amend the tenth section of the bill by inserting "and said stock shall be deemed and considered as public property;" adopted. Mr Smith moved to strike out the words "forever," in the tenth section; adopted. Mr Erwin of G. then moved to fill the blank with the words "fifty years;" which was adopted. Mr Morton moved to amend the bill by adding thereto a twelfth section. Mr Pickett moved to amend the amendment by striking out the word "forty;" which was carried. Mr Coopwood moved to fill the blank with "twenty-five;" which was carried; and mr Morton's amendment was carried. Mr Jackson moved to amend the first section of the bill by inserting the words "South Florence," between the words "Tuscumbia" and "Courtland;" which was lost. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Edmondson Erwin of G. Perry Pickett Smith Vining and Walthall.

Those who voted in the negative are, Messrs Abercrombie Barclay Bridges Conner Coopwood Dupuy Hemphill Hogan Irwin of H. Lawler M'Elderry Morton.

Mr Smith moved to amend the fifth section of the bill by inserting after the word "timber," the words "and subject to the right of appeal to the circuit court by either party, where the case shall be tried by a jury, &c. moved as in other cases of appeal;" which was carried. Mr Smith moved to strike out all after the fifteenth line in said section; which was lost. Mr Bridges moved to amend the first section of the bill with a proviso; which was adopted. Mr Perry moved to strike out the word "constable" in the eighth line of the fifth section; which was carried. Mr Hogan moved to amend the twelfth line of the fifth section by striking out the words "other officer;" which was adopted. Mr Perry moved to amend the fifth section by adding to the twentieth line "if there be no appeal;" which was adopted. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay Edmondson Erwin of G. Hemphill Hogan Lawler Perry Powell Smith Vining.

Those who voted in the negative are, Messrs President Abercrombie Bridges Canner Coopwood Dupuy Irwin of H. Morten M'Elderry Walthall.

Mr Hogan moved to amend the fifth section by adding thereto a proviso, that the company should not pull down or remove any house without the consent of the owner; which was adopted. Mr Coopwood moved that the bill be engrossed and read a third time on to-morrow; which was carried.

A message from the House of representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill to be entitled an act to incorporate the planter's wharf and steamboat company in the town of Montgomery. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on Wednesday next, at the hour of 11 o'clock, for the purpose of electing judges of the county courts of Marion and Conecuh counties: In both of which I am directed to ask the concurrence of the Senate. The House concur in the amendment of the Senate, to the bill entitled an act to incorporate the Cahawba Guards and for other purposes; which was laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the planter's wharf and steamboat company in the town of Montgomery; which was read and ordered to a second reading on to-morrow.

Mr Bridges offered the following resolution: *Resolved*, that the committee on Indian affairs be instructed to inquire into the expediency of addressing a suitable memorial to the President of the United States, asking the appointment of commissioners to negotiate with the Creek and Cherokee Indians for their territory, with a view to facilitate their speedy removal west of the Mississippi, and that they report by memorial or otherwise.

Mr Abercrombie introduced a bill to be entitled an act to authorize Willis Atkins and others to erect certain gates therein named; which was read and ordered to a second reading on to-morrow.

The Senate then adjourned until 10 o'clock to-morrow.

*Tuesday, Dec. 20, 1831.*—The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to whom was referred the resolution authorizing sheriffs to take recognizances in criminal cases where bail is allowed by law, reported a bill; which was read and ordered to a second reading on to-morrow.

Mr Perry, from the same committee to whom was referred a bill to be entitled an act to simplify scire facias in criminal cases and for other purposes, reported the same with sundry amendments; and also by adding thereto an additional section. Mr Perry moved that the bill and amendments be laid on the table until to-morrow; which was adopted.

**Mr Perry**, from the same committee to whom was referred and recommitteed the report and resolution relative to the reorganization of the judiciary system of this State, by confining the judges to their circuits, and for other purposes, reported that they concurred in the former report, and that it was inexpedient to legislate on the subject. **Mr Perry** moved that the report and resolution lie on the table; which was carried.

**Mr Irwin** of H. from the military committee to whom was referred the bill to reduce the size of the several divisions and brigades in the State of Alabama, reported the same without amendment. **Mr Bridges** moved to strike the county of Wilcox from the fifth division, and to add it to the sixth division; which was adopted. **Mr Hogan** moved to strike from the fourth division the counties of Washington and Clarke. **Mr Hogan** then moved to recommit the bill to the military committee; which was carried.

**Mr Hogan**, from the judiciary committee to whom was referred the resolution authorizing citizens to purchase improvements within the chartered limits of the State; and whether it would be a violation of the laws of Congress for an Indian to purchase real estate within that part of the State of Alabama which have been ceded to the State, reported the same as inexpedient to be legislated upon; and asked to be discharged from the further consideration of the subject. **Mr Abercrombie** moved to lay the report and resolution on the table; which prevailed.

**Mr Powell**, from the judiciary committee to whom was referred the resolution instructing them to report their opinions upon the constitutionality of establishing a branch bank, or bank or renew a charter, reported that in their opinion it was unconstitutional to establish more than one branch or bank in any one year. **Mr Hogan** moved to lay the resolution and report on the table; which was carried.

**Mr Coopwood**, from the judiciary committee to whom was referred the bill to be entitled an act to reduce into one the several acts concerning the fees of judges and clerks of the county courts, and for other purposes, reported the same with sundry amendments; all of which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

**Mr Coopwood**, from the judiciary committee to whom was referred the bill to be entitled an act to prevent judges of the circuit courts from charging jurors on matters of fact, and the better to secure the right of trial by jury, reported the same without amendment; which was concurred in, read and ordered to be engrossed for a third reading on to-morrow.

Message from the House of Representatives by **Mr Van Dyke**: **Mr President**—The House of Representatives have concurred in the amendment of the Senate to the bill entitled an act to alter a road therein named. They have also passed bills of the following titles: an act for the relief of certain occupants of land in the counties of Morgan and Madison; an act for the relief of certain purchases of sixteenth sections in township two, range one, east of the basis meridian of the land district of Huntsville; an act authorizing certain persons therein named to build a bridge across Flint creek, in Morgan county; an act for the relief of **Priscilla Reynold**; an act to alter the time of holding the courts of commissioners of revenue and roads for the county of Shelby; an act to alter the name of **James Franklin Cooper** to that of **James Franklin Pride**, and the name of **George Westley Lindsley** to that of **George Westley Cockburn**, and the name of **Felix Lindsley** to that of **Felix Cockburn**, and the name of **Louisa Lindsley** to that of **Louisa Cockburn**; an act to change the name of a certain person therein named; an act to extend the corporation of the town of Athens, in the county of Limestone; an act to repeal in part and

amend an act entitled an act to authorize John A. Chapman, Simeon Chapman and Daniel Welch, and their associates, to turnpike a certain road therein named, approved Dec. 29, 1829; an act to amend the several acts in relation to the compensation of the petit jurors of the county of St Clair; an act to establish certain ferries therein specified; and, an act to incorporate the Florence bridge company: in all of which I am requested to ask the concurrence of the Senate. The House of Representatives have also passed bills from the Senate of the following titles, viz: an act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship; and, an act to authorize the transfer of causes from the county courts to the circuit courts in particular cases: both of which they have amended as set forth in the bills; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act for the relief of certain occupants of land in the counties of Morgan and Madison, was read and ordered to a second reading on to-morrow.

Engrossed bill for the relief of certain purchasers of sixteenth sections, in township two, range one, east of the basis meridian in the land district of Huntsville, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act for the relief of Priscilla Reynolds, was read, and on motion of Mr Perry, the constitutional rule was suspended, the bill read a second and third time forthwith and passed. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to alter the time of holding the courts of commissioners of revenue and roads of Shelby county, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to alter the name of James Franklin Cooper to that of James Franklin Pride, and the name of George Westly Lindsley to that of George Westly Cockburn, and the name of Felix Lindsey to that of Felix Cockburn, and the name of Louisa Lindsey to that of Louisa Cockburn, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to change the name of a certain person therein named, was read and ordered to a second reading on to-morrow.

Engrossed bill to extend the corporation of the town of Athens, in Limestone county, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to repeal in part and amend an act entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named, approved Dec. 29th, 1829, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to amend the several acts in relation to the compensation of petit jurors, in the county of St Clair, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to establish certain ferries therein specified, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to incorporate the Florence bridge company, was read and ordered to a second reading on to-morrow.

The resolution proposing to amend the rules of the Senate was taken up. Mr Perry moved to lay the resolution on the table until the first day of the next session; which was adopted. Yeas 13—Nays 8.

Those who voted in the affirmative are, Messrs Anderson Barclay Bridges Cogwood Dupuy Hemphill Irwin of H. Morton Perry Powell Smith Vining Webb.



Those who voted in the negative are, Messrs President Abercrombie Conner Edmondson Erwin of G. Hogan Lawler Pickett.

Mr Anderson offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will on Thursday the 22d instant, assemble in the Hall of the House of Representatives at the hour of 11 o'clock, A. M. for the purpose of electing judges of the county courts of the counties of Pickens and Fayette; which was concurred in.

Mr Powell, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to authorize the removal of causes from the county to the circuit courts in particular cases.

Mr Perry introduced a bill to be entitled an act to authorize Benjamin Dunn and his associates to erect a toll-bridge across Mulberry creek; which was read and ordered to a second reading on to-morrow.

Mr Coopwood moved to take from the table a bill to be entitled an act to regulate the bank attorney's fees, and place it among the orders of the day; which was adopted.

Mr Abercrombie introduced a bill to be entitled an act making appropriation for the payment of the members and officers of the present General Assembly; which was read, and the constitutional rule being suspended, was forthwith read a second and third times and passed the Senate.

A bill to be entitled an act to regulate attorneys' fees in all debts in favor of the president and directors of the bank of the State of Alabama, collected by law, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to regulate the fees of wharfage in the city of Mobile was taken up. Mr Hemphill moved to amend the first section of the bill by striking out the word "three," and inserting the word "two," which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bridges Conner Hemphill Irwin of H. Morton Perry Walthall.

Those who voted in the negative are, Messrs Abercrombie Anderson Barclay Coopwood Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Pickett Smith Vining.

Mr President was excused from voting.

Mr Hemphill moved to amend the same section relative to the wharfage on sacks of salt; which was lost. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Bridges Conner Hemphill Irwin of H. Morton Perry and Walthall.

Those who voted in the negative are, Messrs Anderson Barclay Coopwood Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Pickett Powell Smith and Vining.

Mr Hemphill moved to strike out "six cents per bale on cotton," and insert "five;" which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Perry Powell Walthall.

Those who voted in the negative are, Messrs Barclay Bridges Coopwood Edmondson Erwin of G. Hogan Lawler M'Elderry Morton Pickett Smith and Vining.

Mr Hogan moved to amend the bill by a proviso, relative to the lessees of the wharves; which was lost. Yeas 5—Nays 15.\*

The yeas and nays being desired, those who voted in the affirmative are, Messrs Erwin of G. Hogan Perry Smith and Vining.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Dupuy Edmondson Hemphill Irwin of H. Lawler M'Elderry Pickett Powell and Walthall.

Mr Perry moved to amend the bill with a proviso; which was lost. Yeas 4, Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Erwin of G. Hogan Perry and Smith.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler M'Elderry Pickett Powell and Walthall.

Mr Hemphill moved that the bill be engrossed and read a third time on to-morrow; which was so ordered.

Engrossed bill to provide for the more speedy trial of slaves and free persons of color, was taken up. Mr Coopwood moved to fill the first blank in the bill relative to challenges to jurors with the word "sixteen;" which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Anderson Conner Coopwood Lawler M'Elderry Morton Perry Pickett Powell and Walthall.

Those who voted in the negative are, Messrs President Barclay Bridges Dupuy Edmondson Erwin of G. Irwin of H. Smith and Vining.

Mr Coopwood moved to fill the blank relative to the right of the State to challenges with the word "four;" which was carried. Mr Coopwood moved to fill the blank relative to solicitors' fee with the word "twenty;" which was lost. Yeas 3—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson Coopwood and Perry.

Those who voted in the negative are, Messrs President, Barclay, Bridges, Conner, Dupuy, Edmondson, Erwin of G. Hogan, Irwin of H. Lawler, M'Elderry, Morton, Pickett, Powell, Smith, Vining and Walthall.

Mr M'Elderry moved to fill the blank with "ten;" carried. Mr Bridges moved to fill the blank with the word "twenty," when the act requires to owner of such slaves to pay the fee for defending him or her; which was carried. The blank in relation to free persons of color was, on motion of Mr Bridges, filled with the word "ten." The bill was then read a third time, and passed the Senate. *Ordered*, that the title be as above.

Mr Smith moved that the Senate adjourn until 10 o'clock to-morrow; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Barclay Conner Dupuy Edmondson Hemphill Hogan Perry Pickett Powell Smith.

Those who voted in the negative are, Messrs Abercrombie Anderson Bridges Coopwood Erwin of G. Irwin of H. Lawler M'Elderry Morton Vining Walthall.

Mr Smith moved to adjourn until 9 o'clock to-morrow; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Barclay Dupuy Edmondson Hemphill Hogan Perry Powell and Smith.

Those who voted in the negative are, Messrs Abercrombie Bridges Conner Coopwood Erwin of G. Irwin of H. Lawler M'Elderry Morton Pickett Vining and Walthall.

Moved to adjourn until 3 o'clock, P. M. which was lost. Yeas 8—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bridges Conner Coopwood Irwin of H. Lawler Morton Vining and Walthall.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Dupuy Edmondson Erwin of G. Hemphill Hogan M'Elderry Perry Pickett Powell and Smith.

Mr Dupuy offered the account of D. Paine; which was referred to the committee on accounts and claims.

Mr Perry moved that the Senate adjourn until 10 o'clock to-morrow; which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Anderson Conner Dupuy Edmondson Erwin of G. Hemphill Hogan M'Elderry Morton Perry Pickett Powell and Smith.

Those who voted in the negative are, Messrs Abercrombie Barclay Coopwood Irwin of H. Lawler Vining and Walthall.

And then the Senate adjourned until 10 o'clock to-morrow.

*Wednesday, Dec. 21, 1831.*—The Senate met pursuant to adjournment.

Mr Perry offered the following resolution, viz: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of increasing the salaries and fees of the solicitors of the several circuits, with leave to report by bill or otherwise.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles: 1st, An act to authorize the administrators of the estate of James Ringstaff, late of Lowndes county, to make title to a certain tract of land therein named: 2d, An act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes: 3d, An act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823: An act for the relief of the Limestone Guards: An act to amend an act, approved 20th January, 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians: An act to amend an act entitled an act to raise a revenue for the support of government until otherwise ordered by law, passed 13th January, 1827: An act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20th, 1830: An act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundary within the limits of said State, and for other purposes: In all of which I am requested to ask the concurrence of the Senate.

The House of Representatives have also passed bills from the Senate of the following titles, viz: An act to form a new regiment in the county of Pickens: An act to attach a portion of the county of Pike to the county of Henry.

They also concur in the resolution of the Senate, proposing to go into the election of judges for the county courts of the counties of Pickens and Fayette, on Thursday the 22d instant, at the hour of 11 o'clock, A. M.

Engrossed bill from the House of Representatives entitled an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823, was read and ordered to a second reading on to-morrow.

Engrossed bill for the relief of the Limestone Guards, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to authorize the administrators of the estate of James Ringstaff, deceased, late of Lowndes county, to make title to a certain tract of land therein named, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes, was read a first time and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to amend an act approved the 20th January 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians, was read and ordered to a second reading on to-morrow.

Mr Hogan offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire whether the salaries of the officers of the Bank of the State of Alabama, are equal and just according to their several duties, and whether any reduction can be made in the salary of any officer: and also into the propriety of authorizing the Board of Directors to

employ a watchman to guard the same during the night, and whether there is a regular annual renewal of the several officers of the Bank; which was referred to the committee on the State Bank.

Mr Barclay introduced a bill to be entitled an act to designate the boundaries of Jackson county; which was read and ordered to a second reading on to-morrow.

Mr Walthall introduced a bill to be entitled an act to repeal in part an act entitled an act to appoint commissioners for the counties of Perry and Marengo, to sell and convey town lots in the towns of Marion and Linden, and to erect public buildings on the same, was read, and the constitutional rule being suspended, was read a second and third times forthwith and passed the Senate. *Ordered*, that the title of the bill be as above.

Mr Powell introduced a bill to be entitled an act providing for the erection of a State Arsenal; which was read, and ordered to lie on the table until Saturday.

Mr Hogan offered the following resolution, viz: *Resolved*, that the comptroller be requested to inform the Senate what amount has been paid to the quarter-master general, for the rent of a house to store the public arms therein, since the removal of the seat of government from Cahawba.

Engrossed bill to be entitled an act to amend an act entitled an act to raise a revenue for the support of government, until otherwise altered by law, passed 13th January, 1827, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene, and Pickens, approved 20th January 1830, was read, and the rule being suspended, requiring bills to be read on three several days, the bill was read a second time and referred to a select committee, consisting of Messrs Anderson Erwin and Powell.

Mr Anderson presented the petition of sundry inhabitants of Pickens, relative to the line between the counties of Greene and Pickens; which was referred to the select committee on that subject.

Mr Bridges introduced a bill to be entitled an act to incorporate the Big Prairie creek Navigation company; which was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to extend the jurisdiction of the State of Alabama over the territory, according to the geographical boundaries within the limits of said State, and for other purposes, was read and made the special order of the day for to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill from the Senate of the following title, viz: an act making appropriations for the payment of the members and officers of the present General Assembly.

Mr Erwin, from the judiciary committee to whom was referred a bill to be entitled an act to prevent the introduction of slaves into Alabama, and for other purposes, reported the same with sundry amendments. Mr Erwin moved to lay the bill and amendments on the table until to-morrow; which was adopted.

Mr Irwin introduced the account of Duncan C. Doyles; which was referred to the committee on accounts.

The Senate then proceeded to the orders of the day.

A bill to be entitled an act to establish election precincts therein name was taken up. Mr Bridges moved to amend the same with an addition section, discontinuing the election precinct at the house of Thomas M'Gee.

the county of Marengo, and establishing an election precinct at James Perkins' mill; which was adopted. Mr Powell moved to amend the bill by adding thereto another additional section. Mr Irwin of H. moved to lay the bill on the table; which was carried.

Mr Hogan moved to take from the table a resolution relative to the State printing; which was adopted, and the resolution referred to the committee on State printing.

A bill to be entitled an act to distribute the interest of the three per cent fund among the different counties of the State, was read a second time and referred to a special committee, consisting of Messrs Bridges Barclay and Coopwood.

A bill to be entitled an act to amend an act establishing a Bank of the State of Alabama, approved 20th December 1823, was read a second time and referred to the committee on the State Bank.

Engrossed bill to be entitled an act to amend an act to suppress the evil practice of duelling, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to incorporate the Washington Light Infantry, in the county of Autauga, was read a third time and passed. *Ordered* that the title be as above.

Mr Hogan presented a communication from the post master at Mobile, concerning a seditious communication from Sherlock Gregory, on the subject of slavery; which was referred to the judiciary committee.

A bill to be entitled an act to revive in part and amend an act to allow trustees of the State University pay for their services, passed December 26th 1822, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Bridges reported as correctly enrolled, "an act making appropriation for the members and officers of the General Assembly.

Joint memorial to the Congress of the United States relative to the public lands, for the purpose of education and internal improvement was taken up. Mr Lawler moved an amendment to the memorial; which was adopted. Mr Coopwood moved that the memorial be made the special order of the day for Friday next; which was carried.

Engrossed bill to be entitled an act to authorize Joseph G. Carrett and James W. Hill of Madison county, to build a mill on the river Paint Rock in said county, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act amendatory to the several acts concerning witnesses, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to incorporate the Moulton Female Academy, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to repeal in part an act entitled an act to provide for the more effectual administration of justice, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to place so much of the State road leading from Cahawba to Huntsville, as runs through the county of Shelby, under the control of the court of commissioners of revenue and roads, of said county, was read a second time and laid on the table.

Engrossed bill to be entitled an act to authorize the judge of the county court and the commissioners of roads and revenue of the county of Montgo-

mery, to establish the rates of toll at the different ferries and bridges on the road leading from Montgomery to Fort Mitchell, and for other purposes, was read a third time and passed the Senate. Yeas 18—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Perry Pickett Powell Vining Walthall.

Those who voted in the negative are, Messrs Smith and Hogan.

Engrossed joint resolutions amending the constitution of the State of Alabama, was read a third time and passed. Yeas 14—Nays 6.

Those who voted in the affirmative are, Messrs Abercrombie Anderson Conner Coopwood Edmonds n Hemphill Irwin of H. Lawler M'Elderry Morton Pickett Perry Smith Walthall.

Those who voted in the negative are, Messrs President Barclay Dupuy Hogan Powell Vining.

Engrossed bill to be entitled an act further to provide for the location of the seat of justice in Pickens county, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Memorial to the Congress of the United States in relation to the public lands, was read a second time. Mr Coopwood moved to refer the memorial to a select committee; which was adopted, and messrs Coopwood Lawler and Bridges were appointed said committee.

A bill to be entitled an act to amend an act entitled an act for the government of the port and harbour of the city of Mobile, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act in relation to the trustees of the Huntsville Female Academy, was read a second time and ordered to a third reading on to-morrow.

A bill to be entitled an act to repeal in part and amend an act entitled an act to prevent extortion by public officers, and for other purposes, approved 23th Jan. 1829, was read a second time and referred to the judiciary committee.

A bill to be entitled an act concerning executors and administrators, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to authorize Willis Atkins, and others, to erect certain gates therein named, was read a second time and referred to the judiciary committee.

Mr Coopwood moved to reconsider the vote taken this day on the resolutions to amend the constitution of the State of Alabama; which was carried. Mr Coopwood moved to lay the resolutions on the table; which was carried.

The Senate then adjourned until 10 o'clock to-morrow.

*Thursday, Dec. 22, 1831.*—The Senate met pursuant to adjournment.

Mr Hogan presented the petition of sundry citizens of Mobile, upon the subject of a cotton manufactory; which was referred to a select committee, consisting of messrs Hogan Erwin of G. and Smith.

A message from His Excellency the Governor, by James I. Thornton, Esq. To the Senate of the State of Alabama,

EXECUTIVE OFFICE, Dec. 22, 1831.

I respectfully request to be informed by the Senate, whether in their opinion, the business before them would receive any detriment by my absence from the Seat of Government, from Friday morning until Tuesday evening next. JOHN GAYLE.

Mr Pickett offered the following resolution: *Resolved*, That a committee be appointed to inform the Governor that the business of the Senate will not require his presence at the Seat of Government, from Friday morning until Tuesday next; which was adopted. And messrs Pickett and Morton were appointed said committee.

Mr Abercrombie presented the account of William D. Pickett; which was read and referred to the committee on accounts and claims.



Mr Coopwood offered resolutions to be entitled: *Resolutions of the General Assembly of the State of Alabama*, protesting against the exercise of power on the part of Congress, to tax the citizens of the United States either directly or indirectly, except for the purposes of paying the public debt, and the necessary consequent expenses of the government in its plain and simple administration, were read a first time and ordered to lie on the table, and one hundred copies thereof to be printed.

Mr Lawler presented the memorial of Edward King; which was referred to the committee on education.

Mr Lawler presented a petition and counter petition on the subject of changing the route of the State road in Shelby county; which was referred to a select committee consisting of messrs Lawler Bridges and Smith.

Mr Perry from the select committee to whom was referred the petitions of William Barnett and Thomas Andrews, reported a bill to be entitled an act to authorize William Barnett and Thomas Andrews to emancipate certain slaves therein named; which was read and ordered to a second reading on to-morrow.

Mr Anderson moved to take from the table the resolution to go into the election of judges of the county courts of Marion and Conecuh counties. Mr Anderson moved to strike out the word "Wednesday" and insert "this day;" which was adopted. *Ordered*, that the secretary acquaint the House therewith.

A communication from James I. Thornton, Secretary of State:

SECRETARY OF STATE'S OFFICE, Dec. 22, 1831.

Mr President—I am requested by the Governor to inform your honorable body that he did, on the 20th inst. approve and sign an act to authorize the transfer of causes from the county court to the circuit court in particular cases; and on the 21st instant, an act making appropriation for the payment of the members and officers of the present General Assembly: both of which originated in the Senate.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the amendment made by the Senate to the resolution proposing to go into the election of judges of the county courts of Marion and Conecuh counties. They have adopted the following resolution: *Resolved*, that the Senate be informed that the House of Representatives is ready to receive them in their Hall for the purpose of going into the election of judges of the county courts of Fayette, Pickens, Marion and Conecuh.

Whereupon the Senate repaired to the House of Representatives, were seated and proceeded to the election of a judge of the county court of Fayette county. Mr Walker Harkins being in nomination, for Mr Harkins 85.

Those who voted for Mr Harkins are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, McElderry, Morton, Perry, Pickett, Smith, Vinng, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster Gilbreath, Godwin, Hall of B. Harris, Hays, Herbert, Hickman, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, McAfee, McCollum, McKenley, McRea, McVay, Moffett, Moore, Musgrove, Nabers, Oliver of C. Oliver of M. Paul, Peete, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snodgrass, Stephens, Tarrant, Terrell, Tulin, Walker, Ward, Watkins, Wilkinson.

Mr Harkins having received all the votes given in, was declared by Mr Speaker to be duly elected judge of the county court of Fayette county.

The two Houses then proceeded to the election of a judge of the county court of Pickens county. James Thompson and Gideon B. Frierson being in nomination, Mr Thompson 42—Mr Frierson 43.

Those who voted for Mr Thompson are, Messrs Abercrombie, Anderson, Conner, Coopwood, Edmondson, Erwin of G. Irwin of H. Lawler, M'Elderry, Pickett, Vining, Walthall. Reps. Augustus, Boyd, Campbell, Erwin, Faulk, Goodwin, Harris, Hays, Hickman, Hubbard, Johnston, Kilpatrick, King of M. King of P. M'Collum, M'Kinley, M'Vay, Musgrove, Nabers, Paul, Peete, Philpott, Rather, Ross, Saunders of L. Shackelford, Shearer, Stephens, Tarrant, Toulmin, Watkins.

Those who voted for Mr Frierson are, Mr President, Barclay, Bridges, Hemphill, Hogan, Mouton, Perry, Smith. Reps. Mr Speaker, Abernathy, Acklen, Baker, Brodnax, Carroll, Cook, Craig, Dellet, Drish, Farrar, Fontaine, Foster, Gilbreath, Hall of B. Herbert, Keener, Lane, Lea, Lockhart, M'Rae, Moffett, Moore, Oliver of C. Oliver of M. Riddle, Rugely, Saunders of D. Swink, Snedcor, Terrell, Walker, Ward, Wilkinsen.

Neither having a majority, the two Houses proceeded to a second balloting, George H. Flournoy, G. B. Frierson, and James Thompson being in nomination: Flournoy 17—Frierson 43—Thompson 39.

Those who voted for Mr Flournoy are, Mr President, Anderson, Erwin of G. M'Elderry, Morton, Walthall. Reps. Augustus, Brodnax, Campbell, Cook, Erwin, Peete, Philpott, Riddle, Rugely, Saunders of D. Tarrant.

Those who voted for Mr Frierson are Mr Barclay, Bridges, Hemphill, Hogan, Perry, Smith. Reps. Mr Speaker, Abernathy, Acklen, Baker, Carroll, Craig, Dellet, Drish, Farrar, Fontaine, Gilbreath, Goynes, Hall of B. Herbert, Hickman, Keener, King of M. Lane, Lea, Lockhart, M'Affee, M'Rae, M'fett, Moore, Oliver of C. Oliver of M. Paul, Swink, Snedcor, Terrell, Toulmin, Walker, Ward, Wilkinson.

Those who voted for Mr Thompson are, Messrs Abercrombie, Conner, Coopwood, Edmondson, Irwin of H. Lawler, Pickett, Vining. Reps. Boyd, Faulk, Goodwin, Harris, Hays, Hubbard, Johnston, Kilpatrick, King of P. M'Collum, M'Kinley, M'Vay, Musgrove, Nabers, Rather, Ross, Saunders of L. Shackelford, Shearer, Stephens and Watkins.

Neither having a majority, the two Houses proceeded to a third balloting, Mr Flournoy, Mr Frierson and Mr Thompson being in nomination.

Those who voted for Mr Flournoy are, Mr President Anderson Hemphill M'Elderry Morton Walthall. Reps. Mr Speaker Augustus Brodnax Campbell Cook Erwin Hall of B. Harris Hays Kilpatrick M'Collum M'Kinley Payne Peete Philpott Riddle Saunders of D. Tarrant Toulmin Watkins.—26.

Those who voted for Mr Frierson are Mr Abercrombie Barclay Bridges Conner Hogan Perry Smith. Reps. Abernathy Acklen Baker Carroll Craig Dellet Drish Farrar Fontaine Foster Gilbreath Goynes Herbert Hickman Hubbard Keener King of M. Lane Lea Lockhart M'Affee M'Rae M'fett Moore Oliver of C. Oliver of M. Paul Rather Rugely Swink Snedcor Stephens Terrell Walker Ward Wilkinsen.—43.

Those who voted for Mr Thompson are, Mr Coopwood Edmondson Erwin of G. Irwin of H. Lawler Pickett and Vining. Reps. Boyd Faulk Goodwin Johnson King of P. M'Vay Musgrove Nabers Ross Saunders of L. Shackelford Shearer.—19.

Neither having a majority, the two Houses proceeded to a fourth ballot, Mr Flournoy and Mr Frierson being in nomination. Flournoy 44—Frierson 44.

Those who voted for Mr Flournoy are, Mr President Anderson Coopwood Edmondson Erwin of G. Hemphill Lawler M'Elderry Morton Pickett Vining Walthall. Reps. Mr Speaker Augustus Boyd Brodnax Campbell Cook Erwin Faulk Farrar Fontaine Hall of B. Harris Hays Johnston Kilpatrick King of P. M'Collum M'Kinley M'fett Musgrove Nabers Payne Peete Philpott Riddle Ross Saunders of D. Saunders of L. Shackelford Tarrant Toulmin Watkins.

Those who voted for Mr Frierson are, Mr Abercrombie Barclay Bridges Conner Hogan Irwin of H. Perry Smith. Reps. Mr Abernathy Acklen Baker Carroll Craig Dellet Drish Foster Gilbreath Goodwin Goynes Herbert Hickman Hubbard Keener King of M. Lane Lea Lockhart M'Affee M'Rae M'Vay Moore Oliver of C. Oliver of M. Paul Rather Rugely Shearer Swink Snedcor Stephens Terrell Walker Ward Wilkinsen.

Neither having a majority, the two Houses proceeded to a fifth ballot, Mr Flournoy and Mr Frierson being in nomination: Flournoy 50—Frierson 38.

Those who voted for Mr Flournoy are, Mr President Anderson Bridges Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Pickett Vining Walthall. Reps. Mr Speaker Augustus Boyd Brodnax Campbell Cook Craig Faulk Farrar Fontaine Goodwin Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Kilpatrick King of P. M'Collum M'Kinley Moffett Musgrove Nabers

Payne-Peete Philpott Riddle Ross Saunders of D. Saunders of L. Shackelford Tarrant Touho n Ward Watkins.

Those who voted for mr Frierson are, mr Abercrombie Barclay Conner Hogan Perry Smith. Reps. Abernathy Acklen Baker Carr H. Craig Dellet Drish Foster Gilbreath Goyne Herbert Keener King of M. Lane Lea Lockhart M'Afee M'Rea M'Vay Moore Oliver of C. Oliver of M. Paul Rather. Rugely Shearer Swink Snedcor Stephens Terrell Walker Wilkinson.

Mr Flournoy having a majority of all the votes given, was declared by mr Speaker duly elected Judge of the County Court of Pickers county.

The two houses then proceeded to elect a Judge of the county court of Marion county, Mr William H. Duke being in nomination. For mr Duke 86 votes.

Those who voted for Mr Duke are, Messrs. President Abercrombie Anderson Barclay Bridges Conner Edmundson Hemphill Hogan Irwin of H. Lawler M'Elderry Morten Perry Pickett Smith Vining and Walthall. Reps.—Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goyne Godwin Hall of B. Harris Hays Herbert Hickman Hubbard Johnson Keener Kilpatrick King of M. King of P. Lane Lea Lockhart M'Afee M'Collum M'Kinley M'Norton M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Payne-Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Tarrant Terrell Ward Watkins Wilkinson.

Mr Duke having received all the votes given in, was declared duly elected Judge of the county court of Marion county.

The two Houses then proceeded to the election of a Judge of the county court of Conecuh county, James Weatherford being in nomination. For Mr Weatherford 89 votes.

Those who voted for mr Weatherford are, messrs President Anderson Abercrombie Barclay Bridges Conner Coopwood Edmundson Hemphill Hogan Irwin of H. Lawler M'Elderry Morten Perry Pickett Smith Vining Walthall. Reps.—Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Godwin Goyne Hall of B. Harris Herbert Hickman Hubbard Johnson Keener Kilpatrick King of M. King of P. Lane Lea Lockhart M'Collum M'Kinley M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne-Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Snedcor Stephens Tarrant Terrell Walker Ward Watkins Wilkinson.

Mr Weatherford having received a majority of all the votes given in, was declared by mr Speaker duly elected judge of the county court of Conecuh.

The Senate then withdrew to the Senate chamber: Mr President resumed his seat: and the Senate took from the table the bill to prevent the introduction of slaves into this State, together with the proposed amendment to the bill, when mr Erwin of G. moved to amend the amendment; which was adopted. Mr Bridges moved to concur in the amendment of the committee, by striking out the five first sections: which was concurred in. Mr Perry moved to strike out the 7th, 8th and 9th sections of the bill; which was carried. Mr Erwin moved to strike out the proviso in the sixth section; which was carried. Mr Coopwood moved the adoption of the amendments; which was carried. Mr Erwin moved to strike out the word "sixth" in the tenth section, and insert "fifth;" which was adopted. Mr Erwin moved to amend further the tenth section by striking out the words "disposed of," and insert "may be recovered;" which prevailed. Mr Erwin of G. moved to amend the 11th section by inserting after the word "law," in the third line, "when the person guilty thereof is liable to be indicted;" which was carried. Strike out the word "five," in the seventh line, and insert "ten;" which was adopted. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Erwin of G. Hogan Lawler M'Elderry Perry Pickett and Smith.

Those who voted in the negative are, Messrs Dupuy Edmondson Hemphill Irwin of H. Vining and Walthall.

Mr Erwin of G. moved to amend the twelfth section relative to free persons of color; which was carried. Mr Erwin moved to strike out the words "39" in the 14th section, and insert "100;" which was carried. Mr Erwin of G. moved to strike out the words "suffer death," and insert "ten years;" carried. Fifteenth section: Mr Erwin moved to amend the fifteenth section of the bill by striking out the words "39" and inserting "50 for the first, and for any other offence 100;" which was carried. Strike out all after the word "lashes" in the third line; carried. Mr Erwin of G. moved to amend the 16th section by striking out the word "discontents," and inserting "conspiracy," and after the word "insurrection" insert "or rebellion." Mr Erwin moved to amend the 8th section by striking out the word "fifteen" and inserting "forty;" which was lost. Mr Irwin of H. moved to strike out the words "thirty-nine," in same section; which was lost. Mr Erwin of G. moved to strike out the 19th section; which was lost. Mr Irwin of H. moved to amend the 20th section by inserting the word "male" before "slave" in the second line of said section. Mr Irwin of H. moved to strike out the twenty-first section; which was lost. Mr Coopwood moved to strike out the 22nd section; which was carried. Mr Perry moved to strike out the proviso to the 25th section; which was carried. Mr Bridges moved to strike out the 26th section; which was lost. Mr Erwin of G. moved to amend the bill by adding thereto another section, which prohibits negroes from preaching, which was carried. Mr Lawler moved an amendment to Mr Erwin's amendment; which was in the following words: "*Provided*, that the provisions of this section shall not be so construed as to apply to cases where ten or more white persons are present;" which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Coopwood Edmondson Lawler M'Elderry Perry Vining and Walthall.

Those who voted in the negative are, messrs President Abercrombie Bridges Conner Dupuy Erwin of G. Hemphill Hogan Irwin of H. Pickett and Smith.

Mr Hogan moved to amend Mr Erwin's amendment by striking therefrom the words "slave or" where they occur; which was lost. Mr Perry moved to amend the amendment by adding the following: "except to the slaves of his owner or overseer on his master's plantation, with his assent and in his presence;" which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Coopwood Edmondson Lawler M'Elderry Perry Vining and Walthall.

Those who voted in the negative are, messrs President Abercrombie Bridges Conner Dupuy Erwin of G. Hemphill Hogan Irwin of H. Pickett and Smith.

The question then recurred on the adoption of Mr Erwin's new section; and was carried. Yeas 12—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Bridges Conner Dupuy Erwin of G. Hemphill Hogan Irwin of H. Perry Pickett Smith.

Those who voted in the negative are, messrs Barclay Coopwood Edmondson Lawler M'Elderry Vining Walthall.

Mr Barclay offered an amendment permitting persons to bring slaves into the States for their own use, subject to all the provisions of this act; which was on motion of Mr Coopwood, recommitted to the special committee, to be incorporated in the main bill; which was also recommitted.

The Senate adjourned until to-morrow 10 o'clock.

*Friday, Dec. 23, 1831.*—The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to whom was referred the resolutions relative to the reorganization of the judicial circuits, reported that it was inexpedient to legislate on the subject; which was concurred in.

**Mr Perry**, from the same committee to whom was referred a bill concerning executors and administrators, reported the same with sundry amendments. **Mr Perry** moved to lay the bill and amendments on the table; which was carried.

**Mr Bridges**, from the judiciary committee to whom was referred the bill to be entitled an act to prevent extortion, reported the same with an amendment in the 8th line to strike out "notify" and insert "thereto;" which was concurred in, the bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

**Mr M'Elderry** introduced a bill to be entitled an act for the limitation of actions against the securities of sheriffs; which was read and ordered to a second reading forthwith, the constitutional rule being suspended, and referred to the judiciary committee.

**Mr Lawler** asked leave of absence for **Mr Dupuy** until Wednesday next: which was granted.

Message from the House of Representatives by **Mr Van Dyke**: **Mr President**—The House of Representatives have passed bills of the following titles, viz: an act for the relief of **Winiford Jamison**, wife of **John Jamison**; an act to amend an act to authorize the sale of sixteenth sections and for other purposes, passed 15th January, 1828; an act to authorize the commissioners court of **Franklin** and **Lawrence** counties to build a bridge across **Town creek**; an act for the support of paupers in certain counties therein named; an act to provide for the support of paupers in the county of **Franklin**: in all of which I am instructed to ask the concurrence of the Senate. They have also passed a bill from the Senate to be entitled an act amendatory of the several acts now in force relative to the improving a road leading from **Blakely** to the upper line of **Baldwin** county, by way of **Durant's**.

Engrossed bill from the House of Representatives for the relief of **Winiford Jamison**, wife of **John Jamison**, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to amend an act to authorize the sales of sixteenth sections and for other purposes passed 15th December, 1828, was read ordered to a second reading on to-morrow.

**Mr Bridges**, from the judiciary committee to whom was referred a bill to authorize **Willis Atkins** and others to erect certain gates therein named, reported the same without amendment; concurred in. **Mr Perry** moved that the bill be read forthwith a third time; which was carried. And the bill read and passed the Senate. *Ordered*, that the title be as above.

**Mr Coopwood** introduced a bill to be entitled an act to provide for the payment of the land commissioners for certain services rendered the State; which was read and ordered to a second reading forthwith, (the rule being suspended) and referred to the committee on propositions and grievances.

Engrossed bill from the House of Representatives to be entitled an act to authorize the commissioners court of the counties of **Franklin** and **Lawrence** to build a bridge across **Town creek**, was read and ordered to a second reading on to-morrow.

Engross bill from the House of Representatives to be entitled an act for the support of paupers in certain counties therein named, was read and ordered to a second reading on to-morrow.

**Mr Morton** moved to take from the table a bill to be entitled an act to amend an act entitled an act supplementary to an act to establish a State University; which was referred to the committee on education.

Engrossed bill from the House of Representatives for the support of pau-

pers in the county of Franklin, was read and ordered to a second reading on to-morrow.

Mr Irwin moved to take from the table joint resolutions to amend the constitution of the State of Alabama; which was carried. Mr Erwin of G. moved a call of the House; which was made, and the resolutions laid on the table for one hour.

Mr M·Elderry, from the committee on enrolled bills, reported the following bills as correctly enrolled: an act to form a new regiment in the county of Pickens; an act to attach a portion of Pike county to Henry county; an act in part to repeal an act entitled an act to authorize the commissioners of the county of Dale, to sell certain public buildings therein named, approved 8th December, 1830; an act to exempt from taxation the several churches in this State dedicated to religious worship; an act to authorize Robert Hobdy, colonel commandent of the 42d regiment of Alabama militia, to form a company beat with a less number than forty privates, in the county of Pike; an act to incorporate the Cahawba guards, and for other purposes; joint resolutions in relation to white settlers on Indian territory and State jurisdiction, all of which were severally signed by mr President.

Mr Coopwood, from the select committee to whom was referred the joint memorial to Congress upon the subject of public lands, reported the same with amendments. Mr Coopwood moved to lay the memorial and amendments on the table; which was carried.

Mr Erwin of G. from the judiciary to whom was referred the resolution inquiring into the expediency of providing by law for taking the evidence of certain officers therein named by deposition, reported a bill for that purpose, to be entitled an act to provide for taking the depositions of certain officers therein named, and for other purposes, was read and ordered to a second reading on to-morrow.

Mr Erwin from the judiciary committee to whom was referred a bill to provide for taking the evidence of officers of the bank of the State of Alabama, reported the same without amendment, and moved that the bill be laid on the table; which was carried.

Mr Coopwood moved to take from the orders of the day a bill to be entitled an act to incorporate the Tuscumbia Courtland and Decatur Railroad Company. Mr Coopwood moved to fill the blank in the first section of the bill with the words "one million of dollars;" which was carried. Mr Coopwood moved that the bill be read the third time.

Mr Erwin of G. moved a call of the House. The call was made and the bill laid on the table for one hour.

The Senate then proceeded to the orders of the day.

A bill to be entitled an act to repeal so much of the militia laws as relates to company musters and company courts martial, was taken up, and on motion of mr Coopwood was laid on the table.

Mr Erwin of G. moved to lay on the table the bill to prevent the introduction of slaves into this State, together with the amendment of mr Barclay, giving to citizens of this State the privilege to purchase slaves and bring them into the State for their own use, subject to all the provisions of the act; which amendment was adopted and the report and amendment of the committee concurred in. Mr Perry moved that the bill and amendments be referred to a select committee in order that they may be properly arranged; which was adopted, and messrs Perry Erwin of G. and Coopwood, were appointed said committee.

Engrossed bill to authorize the judge of the county court of Tuscaloosa and commissioners of roads and revenue, to apportion all persons within one



mile of the Huntsville road, living in Bibb county, to work on the same. Mr Lawler moved to refer the bill to a select committee; which was carried. Messrs Powell Lawler and Vining were appointed said committee.

Mr Anderson presented the claim of Enoch Bryant; which was referred to the committee on accounts and claims.

Engrossed bill to be entitled an act to provide for digesting the laws of the State. Mr Anderson moved to fill the blank in the bill with 2000 dollars; which was lost. Mr Morton moved to fill the blank with 1850. Mr Irwin moved to reconsider the vote taken on filling the blank with 2000; which carried. Mr Morton moved to fill the blank with the words "twenty hundred;" which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Barclay Erwin of G. Irwin of H. Morton Perry.

Those who voted in the negative are, messrs Bridges Conner Coopwood Edmondson Hemphill Lawler M'Elderry Pickett Smith Vining Walthall.

Mr Smith moved to amend the bill with the following engrossed rider, viz: *And be it further enacted*, That it shall be the duty of said digester, to insert a copy of all necessary forms; which was lost. Yeas 5—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Morton Smith Walthall.

Those who voted in the negative are, messrs Abercrombie Andersen Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Perry Pickett Vining.

Mr Smith moved to fill the blank with seventeen hundred and fifty; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Erwin of G. Irwin of H. Morton Perry and Smith.

Those who voted in the negative are, messrs Bridges Conner Coopwood Edmondson Hemphill Lawler M'Elderry Pickett Vining and Walthall.

Mr Erwin of G. moved a call of the House; which was made. And the bill laid on the table for one hour.

Mr Smith moved that the Senate adjourn until 10 o'clock to-morrow; which was carried. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Edmondson Erwin of G. Hemphill Lawler Perry Smith Vining Walthall.

Those who voted in the negative are, messrs Abercrombie Andersen Bridges Conner Coopwood Irwin of H. M'Elderry Morton Pickett.

The Senate adjourned to 10 o'clock to-morrow.

*Saturday, Dec. 24, 1831.*—The Senate met pursuant to adjournment.

Mr Erwin of G. from the select committee to whom was referred the bill to prevent the introduction of slaves into this State, reported the same, and that the committee had performed the duty assigned them. Mr Erwin of G. moved that the bill be read a third time.

The yeas and nays were required, and after proceeding thereon, Mr Abercrombie moved a call of the House. Mr Hogan made a point of order whether a call of the House was in order. After proceeding upon the call of the yeas and nays Mr President decided that it was in order, from which decision Mr Hogan appealed, upon which the yeas and nays were desired. Yeas 11—Nays 9.

Those who voted for sustaining the decision of the chair are, messrs Abercrombie Anderson Barclay Conner Hemphill Lawler M'Elderry Morton Powell Smith Walthall.

Those who voted against sustaining the chair are, messrs Bridges Coopwood Edmondson Erwin of G. Hogan Irwin of H. Perry Pickett Vining.

Mr Abercrombie moved to put the bill on its final passage: carried. Yeas 12—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, messrs

President Abercrombie Anderson Bridges Coopwood Erwin of G. Hemphill Hogan Morton Perry Pickett Waithall.

Those who voted in the negative are, messrs Barclay Conner Edmondson Irwin of H. Lawler M'Elderry Smith and Vining. Mr Powell was excused from voting.

Mr President announced from the chair a communication from the comptroller of public accounts.

COMPTROLLERS' OFFICE, TUSCALOOSA, Dec. 23, 1831.

*Hon. James Jackson, President of the Senate:*

Sir: In answer to a resolution of the Hon. Senate, requesting information of the amount of money paid to the quarter-master general, for the rent of a house in which to store the public arms, since the removal of the Seat of Government from the town of Cahawba, I have the honor to say that the whole amount of expenses for the aforesaid purposes, during the period mentioned, is five hundred and eighteen dollars and seventy five cents, of which four hundred and sixty-five dollars have been paid to the present quarter-master general, and the residue to other individuals as owners of a house occupied by the arms during the fraction of the year after the removal to Tuscaloosa in 1826. Very Respectfully, G. W. CRABB.

Which was laid on the table.

Mr Anderson, from the select committee to whom was referred the bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, reported the same with an amendment, in the following words, viz: strike out the words "Tombeckbee river" where they occur in the sixth line of the second section, and insert in lieu thereof the following, viz: the Sipsey river, which river from thence to its mouth, and line run as aforesaid, shall hereafter be the boundary line between the counties of Tuscaloosa, Greene and Pickens; which was lost. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Hogan Irwin of H. Pickett and Powell.

Those who voted in the negative are, messrs President Bridges Coopwood, Edmondson Erwin of G. Lawler M'Elderry Morton Perry Smith Vining Waithall.

Mr Anderson moved to lay the bill on the table: carried. Yeas 19—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Edmondson Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Powell Smith Vining Waithall.

Those who voted in the negative are, messrs Coopwood and Erwin of G.

A message from the House of Representatives by mr Van Dyke: mr President—The House of Representatives have adopted the following resolution, in which they ask the concurrence of the Senate, viz: *Resolved*, that the two Houses, with the concurrence of the Senate, will convene in the Representative Hall this day at the hour of 12 o'clock for the purpose of going into the election of a solicitor for the fourth judicial circuit of this State. Mr Bridges moved to amend the resolution by striking out the word 'twelve' and inserting 'one;' which was adopted and the resolution concurred in. *Ordered*, that the secretary acquaint the House therewith.

Mr Bridges, from the select committee who were appointed on the subject of the seat of justice in Wilcox county, reported a bill to be entitled an act permanently to fix the seat of justice in Wilcox county; which was read and ordered to a second reading on Monday next.

Mr Coopwood moved to take from the orders of the day the bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company; which was carried and the bill taken up. Mr President moved to amend the bill by way of engrossed ryder, incorporating the South Florence Railroad Company. Mr Coopwood made a point of order to the amend-

ment, that it was new matter, and irrelevant to the main bill: Mr Pickett in the chair, decided that the engrossed ryder was not irrelevant to the main bill, and in order; from which decision mr Coopwood appealed to the Senate, which decision was sustained. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted for sustaining the chair are, messrs Jackson Abercrombie Anderson Edmondson Erwin of G. Hogan Lawler Perry Powell Smith Vining.

Those who voted against sustaining the chair are, messrs Barclay Bridges Conner Coopwood Hemphill Irwin of H. M'Elderry Morten Walthall.

A message from the House of Representatives by mr Tunstall, chief clerk: Mr President—The House of Representatives concur in the amendment of the Senate to go into the election of solicitor at 1 o'clock.

They have also adopted the following resolution: *Resolved*, that the Senate be now informed, that the House of Representatives is now ready to receive them in their Hall for the purpose of going into the election of a solicitor for the fourth judicial circuit.

Mr President moved to lay the Railroad bill on the table; which was carried: And the Senate repaired to the Hall of the House of Representatives, were seated, and proceeded to the election of a solicitor of the fourth judicial circuit. Joshua L. Martin being in nomination: Mr Martin 83 votes.

Those who voted for Mr Martin are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morten Perry Pickett Powell Smith Vining. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbfeath Hall of A. Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lane Lea Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay Moffitt Moore Musgrove Nabers Norwood Oliver of C. Oliver of M. Paul Payne Pickett Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Ward Watkins Wilkenson.

Mr Martin having received all the votes given, was declared duly elected solicitor for the fourth judicial circuit: Whereupon the Senate retired to the Senate Chamber: Mr President resumed his chair.

The Senate then resumed the consideration of the amendment offered by mr President to the Tuscumbia, Courtland and Decatur Railroad Company.—Mr Jackson moved that the engrossed ryder be read and adopted; which motion prevailed. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Bridges Edmondson Erwin of G. Hogan Lawler Pickett Powell Smith Vining.

Those who voted in the negative are, messrs Abercrombie Barclay Conner Coopwood Hemphill Irwin of H. M'Elderry Morten Perry Walthall.

Mr Coopwood moved to lay the bill on the table; which was carried.—Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Hemphill Irwin of H. M'Elderry Morten Perry Powell Walthall.

Those who voted in the negative are, messrs President Edmondson Erwin of G. Hogan Lawler Pickett Smith Vining.

Mr Smith introduced a bill to be entitled an act to entitle certain persons therein named to the right of citizenship; which was read, the rules dispensed with, and read a third time forthwith and referred to the judiciary committee.

Mr Anderson introduced a bill to be entitled an act to provide for the payment of jurors in the county of Pickens.

Mr Irwin of H. called from the table joint resolutions to amend the constitution of the State of Alabama, which passed their third reading. Yeay 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Coopwood Edmondson Hemphill Irwin of H. Lawler M'Elderry Morton Pickett Perry Smith and Walthall.

Those who voted in the negative are, messrs President Bridges Erwin of G. Hogan Powell and Vining.

*Ordered*, that the title be as above.

Mr Perry moved to take from the table the bill to be entitled an act concerning executors and administrators, together with the amendments of the committee; which was carried, the bill as amended read, and ordered to a third reading on Monday next.

Mr Barclay, from the select committee to whom was referred the petition of James Doran and wife, praying the emancipation of certain slaves therein named, reported a bill to be entitled an act to authorize James Doran to emancipate certain slaves therein named; which was read and ordered to a second reading on Monday next.

Memorial to the Congress of the United States relative to public lands and reduction of prices of public lands, was taken up, and on motion of Mr Smith, was laid on the table.

Mr Irwin of H. moved to take from the table the bill to be entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of the said State, and for other purposes; which was read a second time and referred to the committee on Indian affairs.

Mr Smith moved that the Senate adjourn until Wednesday 10 o'clock; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Erwin of G. Irwin of H. M'Elderry Morton Perry Powell Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Hemphill Hogan Lawler Pickett Vining.

Mr Hogan introduced resolutions relative to the Federal Union and value of the Constitution of the United States, and recommending the present Chief Magistrate for re-election to the Presidency; which were read and ordered to a second reading on Tuesday next.

Mr Hogan moved to adjourn until Wednesday 9 o'clock; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Erwin of G. Hogan M'Elderry Morton Perry Powell Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Conner Coopwood Edmondson Hemphill Irwin of H. Lawler Pickett Smith Vining.

It was then moved to adjourn until Tuesday 10 o'clock; which was lost. Yeas 6—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Coopwood Hemphill M'Elderry Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Bridges Conner Edmondson Erwin of G. Hogan Irwin of H. Lawler Perry Pickett Powell Smith Vining.

It was then moved to adjourn until Monday 10 o'clock; which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Bridges Edmondson Pickett Powell Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Bridges Conner Coopwood Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Smith Walthall.

It was then moved that the secretary be excused from placing on the journals, the several votes for adjournment; which was lost. Yeas 6—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Bridges Pickett Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Conner Coop-

wood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Powell Walthall.

Mr Walthall moved that the Senate adjourn until Wednesday 10 o'clock; which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Comer Erwin of G. Hemphill Hogan M'Elderry Morton Perry Powell Smith Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Coopwood Edmondson Irwin of H. Lawler Pickett Vining.

So the Senate adjourned until Wednesday next.

*Wednesday, Dec. 28, 1831.*—The Senate met pursuant to adjournment.

Mr Hogan presented the petition of the Mobile Guards; which was read and referred to a special committee consisting of messrs Hogan, Smith and Irwin of H.

Mr Erwin of G. presented the petition of sundry citizens of the county of Pickens relative to the boundary line between Greene and Pickens counties; which was laid on the table.

Mr Pickett presented the account of John W. Price, of Autauga county; which was referred to the committee on accounts and claims.

Mr Coopwood presented the account of John Grigg; which, on motion of mr Coopwood, was referred to the committee on accounts and claims.

Mr Hogan, from the committee on the State Bank to whom was referred the bill to be entitled an act to amend an act establishing a Bank of the State of Alabama, approved the 20th December 1823, reported the same without amendment; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Perry, from the committee on the judiciary to whom was referred the bill to be entitled an act for the limitation of actions against the securities of sheriffs, reported the same with a proviso, which amendment was concurred in, and the bill ordered to a third reading to-morrow.

Mr Powell, from the select committee to whom was referred a bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, reported the same with an amendment to strike from the bill, the seventh section; which report was concurred in, the bill was read a third time and passed. *Ordered*, that the title be as above.—*Ordered* that the secretary acquaint the House therewith.

Mr Hogan, from the special committee to whom was referred the petition of William Jones, jr. relative to the establishment of a cotton-bagging manufactory, reported a bill to be entitled an act to incorporate the Mobile manufacturing company; which was read, and the constitutional rule being dispensed with, was read a second time forthwith, and referred to the judiciary committee.

Mr Abercrombie, from the special committee to whom was referred the petition of the citizens of Montgomery county relative to the wharfage in the town of Montgomery, reported a bill to be entitled an act to reduce the rates of wharfage in the town of Montgomery; which was read and ordered to a second reading on to-morrow.

Mr Hemphill introduced a bill to be entitled an act to annex part of Monroe county to the county of Butler; which was read and ordered to a second reading on to-morrow.

Mr Anderson moved to take from the table a bill to be entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved 20th Jan. 1820.

Mr Anderson moved to strike out all after the first section of the bill and

insert a substitute therefor: which was, on motion of Mr Erwin of G. together with the original bill, laid on the table untill to-morrow. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hogan M'El-derry Morton Perry Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Hemphill Irwin of H. Pickett.

Mr Hogan moved to take from the table a bill to be entitled an act to establish a branch bank of the State of Alabama and place the same among the orders of the day; which was carried.

Mr Smith introduced a bill to be entitled an act to define that which shall hereafter constitute a town to be liable to taxation as town property; which was read and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, viz: An act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; an act to establish a road therein mentioned; an act to limit actions against the securities of officers; an act to authorize Enoch M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge; an act to alter and establish the boundary lines between certain counties therein named: in all of which the concurrence of the Senate is asked.

The House of Representatives have also passed bills from the Senate of the following titles: An act amendatory to the several acts concerning witnesses; an act to incorporate the Washington Light Infantry in the county of Autauga; an act to provide for the more speedy trial of slaves and free persons of color: the last of which they have amended as set forth in the bill, in which amendments I am directed to ask the concurrence of the Senate.

Engrossed bill from the House of Representatives to be entitled an act to authorize Barnabas Blackmen and his associates to turnpike a certain road therein named, was read and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to establish a road therein mentioned, was read and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to limit actions against the securities of officers; which was read and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge; which was read and ordered to a second reading on to-morrow.

Engrossed bills from the House of Representatives entitled an act to alter and establish the boundary lines between certain counties therein named, was read and ordered to a second reading on to-morrow.

The bill to be entitled an act for the more speedy trial of slaves and free persons of color, with the amendments thereto made by the House of Representatives, was taken up. On motion of Mr Pickett: *Ordered*, that the Senate concur in the amendments of the House to the first section of the bill.—On motion of Mr Pickett: *Ordered*, that the Senate do concur in the amendment made by the House to the second section.

Mr Coopwood moved to refer the bill to a special committee, which prevailed; whereupon messrs Bridges, Coopwood and Powell were appointed said committee.

Bill to be entitled an act to establish a branch bank of the State of Ala-



**Alabama**, was read a second time. *Mr Perry* moved to amend the first section of the bill by striking therefrom the words "by joint vote of both Houses of the General Assembly;" which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Bridges Erwin of G. M. Elderry Perry Pickett Powell Smith.

Those who voted in the negative are, Messrs Abercrombie Anderson Barclay Conner Coopwood Edmondson Hemphill Hogan Irwin of H. Morton Walthall.

*Mr Perry* moved to amend the second section by a proviso; which was adopted, viz: "*Provided*, the same can be obtained by a loan not exceeding — per cent per annum, and no part of the present capital stock of said bank of the State of Alabama shall be furnished said branch bank."

*Mr Hogan* moved to amend the fourth section by striking therefrom the words "the trustees of the University of the State of Alabama in their corporate capacity excepted;" which was adopted. *Mr Anderson* moved to amend the 8th section of the bill by striking therefrom "the penalty of imprisonment for twelve months," and insert in lieu thereof the words "suffer death;" which was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Bridges Conner Irwin of H. Pickett.

Those who voted in the negative are, Messrs Barclay Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M. Elderry Morton Perry Powell Smith and Walthall.

*Mr President* moved to amend the tenth section after the word "counties," and insert the words "Lauderdale county excepted;" which was lost. Yeas 10, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Conner Erwin of G. Hogan Irwin of H. Perry Powell Smith.

Those who voted in the negative are, Messrs Barclay Bridges Coopwood Dupuy Edmondson Hemphill Lawler M. Elderry Morton Pickett Walthall.

*Mr Anderson* moved to amend the tenth section of the bill with a proviso, permitting the citizens of Pickens, Fayette and Marion to borrow money from whatever bank they may think proper. *Mr Coopwood* moved to amend the amendment by striking out the words "Pickens, Fayette and Marion," and insert "this State;" which was carried, and *Mr Anderson's* amendment was then adopted. *Mr Abercrombie* moved to amend the eleventh section of the bill by inserting after the word "bank," the words "or any member of the General Assembly;" which was adopted. *Mr Coopwood* moved to amend the sixth section by striking therefrom the words "grant discounts in bank," and insert the word "issue;" which was adopted. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie Barclay Bridges Coopwood Dupuy Erwin of G. Hemphill Irwin of H. Lawler Morton Smith.

Those who voted in the negative are, Messrs President Anderson Edmondson Hogan Perry Pickett Powell Walthall.

*Mr Hogan* moved to amend the bill by striking out the tenth section with the exception of the proviso; which was adopted. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Bridges Edmondson Erwin of G. Hogan Perry Pickett Powell Smith.

The bill as amended, was then ordered to be engrossed and read a third time on to-morrow.

Engrossed bill to be entitled an act to incorporate the planters' wharf and steamboat company in the town of Montgomery, was read a second time, and on motion of *Mr Abercrombie*, was referred to a select committee consisting of messrs Abercrombie, Bridges and Hemphill.

A bill to be entitled an act to authorize sheriffs to take recognizances, was

read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to simplify *scire facias* in criminal cases and for other purposes, with the report and amendments of the judiciary committee, was taken up, the amendments adopted, and the bill ordered to be engrossed and read a third time on to-morrow.

A bill to be entitled an act to authorize Benjamin Dunn and his associates to erect a toll bridge across Mulberry creek, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties of this State and for other purposes, was read a third time and passed the Senate. *Ordered*, that the title of the act be as above. *Ordered*, that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to prevent the judges of the circuit courts from charging jurors on matters of fact and the better to secure the right of trial by jury, was read a third time and passed the Senate. *Ordered*, that the title of the act be as above. *Ordered*, that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to regulate the rates of wharfage in the city of Mobile, was read a third time and passed the Senate. *Ordered*, that the title be as above. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler Morten Pickett Powell Walthall.

Those who voted in the negative are, Messrs Erwin of G. Hogan M. Elderry Perry Smith.

Engrossed bill to be entitled an act to regulate attorneys' fees on all debts in favor of the president and directors of the Bank of the State of Alabama collected by law, was read a third time and passed the Senate. *Ordered*, that the title of the act be as above. *Ordered*, that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to extend the corporation of the town of Athens, in Limestone county, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to change the name of a certain person therein named, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to repeal in part and to amend an act entitled an act to authorize John A. Chapman, Simeon Chapman and Daniel Welch and their associates to turnpike a certain road therein named, approved December 29, 1829, was read a second time and ordered to a third reading on to-morrow.

Mr Barclay moved to reconsider the vote taken this day on the bill to be entitled an act to regulate the rates of wharfage in the city of Mobile; which was reconsidered: And on motion of Mr Lawler, the bill was laid on the table.

And the Senate then adjourned until to-morrow 10 o'clock.

*Thursday, Dec. 29, 1831.*—The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to whom was referred a bill to be entitled an act to entitle certain persons therein named to the right of citizenship, reported the same with an amendment striking out the words "and immunities," and also "if they were natural born;" which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hogan, from the judiciary committee to whom was referred the bill to be entitled an act to incorporate the Mobile manufacturing company, reported the same with an amendment by way of proviso; which was concurred in, and ordered to be engrossed for a third reading on to-morrow.

Mr Pickett, from the committee on propositions and grievances to whom was referred the resolution inquiring into the expediency of appointing a surveyor general, reported the same as inexpedient; which was concurred in.

Mr Hempill, from the committee on Indian affairs to whom was referred the engrossed bill from the House of Representatives extending the jurisdiction of the State over the geographical limits thereof, reported the same with an amendment, to strike from the first line of the second section the words "county courts and." Mr Perry moved a call of the House; which was made. And the bill and amendments was laid on the table for one hour.

Mr M'Elderry, from the committee on enrolled bills, reported the following bills as correctly enrolled, viz: An act for the relief of Priscilla Reynolds; an act to alter a road therein named; an act to repeal in part an act entitled an act to appoint commissioners for the counties of Perry and Marengo to sell and convey town lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same: all of which were signed by Mr President of the Senate.

Mr Lawler, from the select committee to whom the subject was referred, reported a bill to be entitled an act to allow compensation to Edward King and Thomas J. Walker for damages which they have sustained by running the State road through their lands, north of Montevallo; which was read and ordered to a second reading on to-morrow.

Mr Coopwood moved to take from the table the bill to incorporate the Tuscumbia Railroad Company; which was carried. Mr Perry moved to withdraw therefrom the amendment to the bill; which was carried. Mr Coopwood moved to put the bill on its passage; which was carried. Yeas 19, Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Cenner Coopwood Dupuy Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Powell Smith Walthall.

Those who voted in the negative are, messrs Edmondson and Pickett.

Mr Erwin of G. offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives the two Houses will adjourn *sine die* on the 14th of January next; which was laid on the table.

Mr Perry introduced a bill to be entitled an act to incorporate the South Florence Railroad Company; which was read and the rule suspended, was read a second time and referred to a special committee composed of messrs Perry, Bridges and Coopwood.

Mr Hemphill, from the committee on Indian affairs to whom was referred a resolution on the subject.

Mr Powell introduced a bill to be entitled an act to establish a State road from Tuscaloosa to Montgomery; which was read, and the rule being suspended, was read a second time forthwith and ordered to a third reading on to-morrow.

Mr Abercrombie, from the select committee to whom was referred a bill to be entitled an act to incorporate Planters' Wharf and Steamboat Company, in the town of Montgomery, reported the same with an amendment as a tenth section; which was concurred in and ordered to be read a third time on to-morrow.

Mr Anderson moved to take from the table a bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the

line between the counties of Tuscaloosa, Greene and Pickens, together with the substitute therefor. Mr Anderson moved to amend the amendment by striking out "six and a half degrees," and inserting "eight degrees and ten minutes;" which was carried. Yeas 15—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Dupuy Edmondson Hemphill Hogan Irwin of H. Lawler Morton Perry Pickett Powell.

Those who voted in the negative are, messrs Coopwood Bridges Erwin of G. M'Elderry Smith Vining Walthall.

Mr Powell moved further to amend the amendment; which was carried. Mr Anderson moved the adoption of the substitute; which was carried.—Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler Morton Perry Powell.

Those who voted in the negative are, messrs President Barclay Bridges Erwin of G. M'Elderry Smith Vining and Walthall.

The bill was then ordered to a third reading on to-morrow.

The hour having elapsed, the bill to extend the jurisdiction of the State over the Indian territory and the geographical limits of the State was taken up. Mr Perry moved to lay the bill on the table until to-morrow; which was carried.

The Senate then proceeded to the orders of the day.

Engrossed bill to be entitled an act to provide for digesting the laws of the State of Alabama. Mr Perry moved to fill the first blank with the words "1700;" which was lost. Mr Abercrombie moved to fill the blank with "1650;" lost. Mr Smith moved to fill the blank with "1600;" which was carried. Mr Erwin of G. moved to amend the bill by a fourth section, which provides for the payment of the commissioners who examine the work of the digester; which was carried. The bill then passed the Senate. *Ordered*, that the title be as above. *Ordered*, that the secretary acquaint the House therewith.

Mr Lawler moved to take from the table the joint memorial on the subject of the public lands for internal improvement and education, with the amendment thereto; which amendment was adopted, and the bill ordered to be engrossed and read a third time on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to amend the several acts in relation to the compensation of the petit jurors in the county of St. Clair, was read a second time and ordered to a third reading on to-morrow.

Mr Coopwood moved to take from the table and place among the orders of the day a bill to be entitled an act to regulate the time of payment for lands sold at the land office in Courtland; which was adopted.

Engrossed bill to be entitled an act to establish certain ferries therein specified, was read a second time and referred to the committee on roads, bridges and ferries.

Engrossed bill from the House entitled an act to incorporate the Florence Bridge Company, was read a second time and referred to a select committee consisting of messrs Morton, Edmondson and M'Elderry.

Engrossed bill to be entitled an act for the relief of certain purchasers of sixteen sections in township two, range one, east of the basis meridian in the land district of Huntsville, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill for the relief of certain occupants of lands in the counties of Morgan and Madison, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to alter the name of James Franklin Cooper to that of James Franklin Pride, and the name of George Westley Lindsley to that of George Westley Cockburn, and the name of Felix Lindsley to that of Felix Cockburn, and the name of Louisa Lindsley to that of Louisa Cockburn, was laid on the table.

Engrossed bill to be entitled an act to alter the time of holding the court of commissioners of revenue and roads of Shelby county, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act amendatory to an act entitled an act supplementary to the laws concerning garnishment, approved December 17, 1823, was read a second time and referred to the judiciary committee.

Engrossed bill to be entitled an act for the relief of the Limestone Guards, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to authorize the administrators of the estate of James Ringstaff, late of Lowndes county, to make title to a certain tract of land therein named, was read a second time and ordered to a third reading on to-morrow.

The Senate then adjourned until half past two o'clock.

The Senate met pursuant to adjournment.

Engrossed bill to be entitled an act for the better regulation of judicial proceedings, passed July 7th, 1818, and for other purposes, was read and referred to the judiciary committee.

Engrossed bill to be entitled an act to amend an act approved the 20th January, 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians, was laid on the table.

*Mr* Pickett moved to take from the table a bill to be entitled an act to improve the navigation of the Coosa river and for other purposes, and lay the same on the table; which was carried.

A bill to be entitled an act to designate the boundaries of Jackson county, was read a second time and laid on the table.

Engrossed bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law, passed 13th January, 1827, was read and referred to the judiciary committee.

A bill to be entitled an act to incorporate the Big Prairie creek Navigation Company, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, was taken up. *Mr* Coopwood moved to refer the bill to the judiciary committee with instructions to strike out the second section.

*Mr* Perry made a point of order to the decision of the President, that when a bill was engrossed it could not be referred generally, and appealed from said decision; the Senate sustained the decision of the chair.

Engrossed bill to revive in part and amend an act to allow trustees of the State University pay for their services, passed 26th December, 1822, was read a third time and passed the Senate. *Ordered*, that the title be as above.

*Mr* Coopwood moved to take from the table resolutions of the General Assembly of the State of Alabama, protesting against the exercise of power by Congress to tax the citizens of the United States other than for the neces-



sary expenses of the government, in its plain and simple administration. The resolutions were called from the table and placed among the orders of the day.

Engrossed bill to be entitled an act in relation to the trustees of the Huntsville Female Academy, was read a third time and laid on the table.

A bill to be entitled an act to authorize William Barnett and Thomas Andrews to emancipate certain slaves therein named, was on motion of Mr Perry laid on the table.

Engrossed bill to be entitled an act to amend an act to authorize the sale of sixteenth sections and for other purposes, passed January 15, 1828, was read a second time and referred to the committee on education.

Engrossed bill to be entitled an act for the relief of Winifred Jemison, wife of John Jemison. Mr Bridges moved to amend the bill by striking therefrom the last proviso, and inserting in lieu thereof the following: "*Provided*, that nothing in this act shall be so construed as to prevent any property now in the possession, and *bona fide* the property of the said Winifred from being liable for the debts heretofore contracted by the said John Jemison;" which was adopted, and the bill ordered to a third reading on to-morrow.

Mr Coopwood called from the table the bill in relation to the trustees of the Huntsville Female Academy. Mr Coopwood moved to amend the bill by way of engrossed rider with an additional section; which was adopted and passed the Senate. Mr Erwin moved to amend the title of the act by striking out all after the word "act" and insert the following, "to exempt from taxation all incorporated Academies in this State;" which was adopted.

Engrossed bill to be entitled an act to authorize the commissioners court of the counties of Franklin and Lawrence, to build a bridge across Town creek, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the support of paupers, in certain counties therein named, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to provide for the support of paupers in the county of Franklin, was read a second time and ordered to a third reading on to-morrow.

Mr Bridges called up the resolution in relation to adjournment sine die. Mr Hemphill moved a call of the House, and the resolution was laid on the table for one hour.

Mr Hogan offered joint resolutions to the Congress of the United States, asking their assent for the laying a tonnage duty for the support of the Harbour-master of the city of Mobile; which was read and the rule dispensed with, was read a second and third time forthwith and passed.

Mr Barclay moved to take up the bill designating the boundaries of Jackson county; which was referred to a select committee consisting of messrs Barclay Coopwood and Vining.

A bill to be entitled an act to repeal in part an act and amend an act entitled an act to establish a State University, passed 24th December 1822, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Anderson called from the table a bill to be entitled an act to establish certain election precincts. Mr Irwin moved to amend the bill by an additional section; which was carried. Mr Anderson moved to amend the bill by an additional section, to establish an election precinct at the House of Robert Love. Mr Dupuy moved to amend Mr Anderson's amendment, by adding an election precinct in the county of Jefferson, at the house of John Camp. Mr Lawler moved to amend the bill by another section, establishing an election



**precinct at the House of James Hatton.** *Mr Lawler* moved to refer the bill to a select committee: carried. Messrs Lawler, Smith and Edmondson were appointed said committee.

*Mr Anderson* introduced a bill to be entitled an act to legitimate Thomas Maxwell, sr. which was read, and the constitutional rule suspended, and read three several times and passed the Senate.

A bill to erect a State Arsenal was taken up. *Mr Smith* moved to lay the bill on the table; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay Bridges Erwin of G. Hemphill Irwin of H. Lawler Perry Pickett Smith Walthall.

Those who voted in the negative are, Messrs President Abercrombie Anderson Conner Coopwood Dupuy Edmondson Hogan M'Elderry Powell Vining.

*Mr Perry* moved to amend the bill by striking out the words "corporate limits of Tuscaloosa;" which was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bridges Irwin of H. Lawler Perry Pickett Smith Walthall.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan M'Elderry Powell Vining.

*Mr Powell* moved that the bill be engrossed for a third reading; which was carried. Yeas 14—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan M'Elderry Powell Vining.

Those who voted in the negative are, Messrs Irwin of H. Lawler Perry Pickett Smith and Walthall.

A bill to be entitled an act to provide for the taking the deposition of certain officers therein named, and for other purposes. *Mr Erwin* moved to insert the word "tutors" after "professors" in the first section; which was adopted. *Mr Perry* moved to amend the bill so as to require the personal attendance of the witnesses, when the party would make oath that their testimony in person was material; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Dupuy Irwin of H. Lawler M'Elderry Morton Perry Pickett.

Those who voted in the negative are, Messrs Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Hogan Powell Smith Vining Walthill.

*Mr Erwin* moved that the bill be engrossed and read a third time on to-morrow: carried.

*Mr Bridges* moved to take up the resolution relative to adjournment sine die. *Mr Powell* moved to amend the same with the following: "provided, the two Houses shall have finished the business before them;" which was lost.

*Mr Dupuy* moved to strike out "14th" and insert "21st" January; which was lost. *Mr Abercrombie* moved to strike out "14" and insert "7;" which was lost.

*Mr Hemphill* moved that the Senate adjourn until to-morrow 10 o'clock.

*Friday, Dec. 30, 1831.*—The Senate met pursuant to adjournment.

*Mr Conner* presented the petition of Fanny Lester, praying the passage of a law to authorize her to sell a certain lot of ground in the town of Tuscaloosa; which was read and referred to the judiciary committee.

*Mr Lawler* presented the petition of divers citizens of Shelby county, praying the alteration of a road from Montevallo to Gunter's Landing, where it passes over the land of Hannah Frost; which was read, and on motion of *Mr Lawler*, referred to a select committee, whereupon messrs Lawler, Edmondson and Vining were appointed said committee.

*Mr Irwin* of H. of the military committee to which was referred a bill to be entitled an act to reduce the size of the several divisions and brigades of

the militia of this State, reported a substitute for said bill, which substitute was adopted. Mr Irwin then moved that the said bill be engrossed and made the special order of the day for a third reading on to-morrow; which was carried.

Mr Pickett, from the committee on propositions and grievances to which was referred a bill to be entitled an act to provide for the payment of the land commissioners for certain services rendered the State, reported a substitute in lieu thereof; which report was concurred in and the substitute adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Coopwood, from the select committee to which was referred the bill to be entitled an act to designate the boundaries of Jackson county, reported the same with an amendment, by way of a second section, as follows: Sec. 2. *And be it further enacted*, that all that part of the Chickasaw nation within the chartered limits of this State, be added to and compose a part of the county of Franklin;" which report was concurred in. The bill was then read a third time, and the question was then put, shall this bill pass? and decided in the affirmative. Yeas 15—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson Barclay Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler McElderry Morton Perry Pickett Powell Walthall.

Those who voted in the negative are, Messrs President Erwin of G. Hogan.

Mr Coopwood moved to amend the title of the bill by striking out the word "county" after the word "Jackson," and inserting in lieu thereof the words "and Franklin counties;" which was carried. *Ordered*, that the said bill be sent to the House of Representatives for their concurrence.

Mr Coopwood, from the select committee to which was referred the engrossed bill to be entitled an act to provide for the more speedy trial of slaves and free persons of color, reported the same recommending that the Senate amend the amendments made by the House to the third section of the bill, by further amending the same in striking out the word "four" where it occurs in said section, and inserting the word 'twelve,' and by striking out the word 'two' and inserting "four" in lieu thereof. And further recommending that the Senate agree to the amendments made to the House of Representatives to the fifth section of the bill, and by adding an additional 8th section; and further recommend that the Senate disagree to the amendment made by the House to the sixth section of the bill; which report was concurred in, and the several amendments as reported by the committee were adopted. *Ordered* that the bill be sent to the House of Representatives for their concurrence in said amendments.

Mr Morton, from the select committee to which was referred a bill from the House of Representatives to be entitled an act to incorporate the Florence Bridge Company, reported the same with an amendment by way of proviso; which report was concurred in and said proviso adopted. The bill was then read a third time by its title and passed.

Mr Irwin of H. who voted in the affirmative on the passage of said bill, moved that the Senate reconsider the vote taken on the passage of said bill; which was carried. Mr Irwin of H. then moved that the bill lie on the table for one hour; which was carried.

Mr Irwin moved to take from the table the bill to be entitled an act to amend an act approved the 20th January, 1830, authorizing Samuel Swilley and others, to mark out a road leading thro' that part of Pike county now occupied by the Creek Indians; which was carried, and on motion of Mr Irwin the bill was referred to a select committee consisting of messrs Irwin, Abercrombie and Hemphill.

Mr Lawler obtained leave to introduce a bill to be entitled an act giving further time to persons holding claims against their respective counties to file

the same; which was read the first time and on motion of Mr Lawler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was read a second and third time forthwith, engrossed and passed. *Ordered* that the title be as aforesaid, and that said bill be sent to the House of Representatives for their concurrence.

A message from the Governor by the Secretary of State: Mr President—I am requested by the Governor to inform your Hon. body that he did on the 20th inst. approve and sign the following bills, to wit: an act to exempt from taxation the several churches in the State of Alabama, dedicated to religious worship; an act to form a new regiment in the county of Pickens; an act in part to repeal an act entitled an act to authorize the county court of Dale county to sell certain public buildings therein named, approved 8th December, 1830; and an act to attach a portion of the territory of Pike county to Henry county, all of which originated in the Senate; and then he withdrew.

Mr Erwin of G. offered the following resolution: *Resolved*, that, with the concurrence of the House of Representatives, the two Houses will adjourn on the 14th of January next, sine die; which was adopted. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

Mr Hemphill moved to take from the table the bill to be entitled [an act to regulate the rates of wharfage in the city of Mobile; which motion was lost.

The engrossed bill to be entitled an act to repeal in part and amend an act entitled an act to prevent extortion by public officers, and for other purposes, approved January 29th, 1829, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

Mr Bridges offered the following resolution: *Resolved*, that owing to the sickness of the family of C. D. Conner, the principal Secretary of this House, he have leave of absence until Tuesday next, and that George N. Stewart be authorized to act as Secretary of the Senate till his return; which was adopted, whereupon George N. Stewart was sworn faithfully to perform the duties of Secretary of the Senate pro tem. and entered on the discharge of said duty.

A bill to be entitled an act to provide for the payment of jurors in the county of Pickens, was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act permanently to fix the seat of justice in the county of Wilcox, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The joint resolutions which had been offered by Mr Hogan on the 24th inst. relative to the Federal Union and value of the Constitution of the United States, and recommending the present Chief Magistrate for re-election to the Presidency, &c. were read the second time. Mr Coopwood moved that the said resolutions lie on the table; which was carried. Yeas 19—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler McElderry Morton Perry Pickett Powell Vining Walthall.

Those who voted in the negative are, Messrs Hogan and Smith.

In the debate on the forgoing motion, Mr Hogan in his argument offered to read certain other resolutions then pending before the House, entitled *Resolutions of the General Assembly of the State of Alabama* protesting against the exercise of power on the part of Congress to tax the citizens of the United States, either directly or indirectly, except for the purpose of paying the public debt and the necessary consequent expenses of the Government, in its plain and simple administration. Mr President decided that it was out of

order to read said resolutions, as they were not then under consideration before the Senate. Mr Hogan appealed from said decision of the chair; which said appeal was by the Senate sustained and the decision of the chair reversed.

Mr Erwin, moved to take up from the orders of the day the joint resolutions of the General Assembly of the State of Alabama, protesting against the exercise of power on the part of Congress to tax the citizens of the United States, either directly or indirectly, except for the purpose of paying the public debt, and the necessary consequent expenses of the Government in its plain and simple administration; which was carried. Mr Erwin of G. then moved that said resolutions lie on the table. Mr Hogan moved to amend said motion by adding "till the first day of September next." Mr Erwin moved that the main question be now put.

Mr Coopwood moved a call of the House.

And the Senate adjourned till 3 o'clock in the afternoon.

*Evening Session.*—The Senate met pursuant to adjournment.

Mr Perry moved to suspend the consideration of the joint resolutions which were before the House; which was carried.

Mr Perry moved to take up for consideration the engrossed bill to be entitled an act to authorize Benjamin Dunn and his associates, to erect a toll bridge across Mulberry creek; which was carried. The bill was then read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the bill be sent to the House of Representatives for their concurrence.

The Senate resumed the consideration of the joint resolutions of the General Assembly of the State of Alabama, protesting against the exercise of the power on the part of Congress to tax the citizens of the United States, either directly or indirectly, except for the purpose of paying the public debt and the necessary consequent expenses of the government in its plain and simple administration. The motion made this morning to lay the same on the table till the first day of September next being under consideration, it was carried. Mr Abercrombie, who voted in the majority, moved to reconsider the vote taken this morning on the motion to lay on the table the joint resolutions which had been offered by Mr Hogan on the 24th inst. relative to the Federal Union, and the value of the Constitution of the United States, and recommending the present Chief Magistrate for re-election, &c. which was carried. Mr Abercrombie then moved that those resolutions lie on the table until the first day of September next; which was carried. Yeas 17—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. M'Elderry Morton Perry. Pickett Powell Vining Walthall.

Those who voted in the negative are, messrs Coopwood Hogan Lawler Smith

The engrossed bill to be entitled an act to incorporate the Mobile manufacturing company, was read the third time and passed.

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

The bill to be entitled an act to authorize James Doran to emancipate certain slaves therein named, was read the second time. Mr Smith moved to lay the same on the table, which motion was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Edmondson Erwin of G. Hemphill Irwin of H. Pickett Smith.

Those who voted in the negative are, messrs Abercrombie Barclay Bridges Conner Coopwood Dupuy Hogan Lawler M'Elderry Morton Perry Powell Vining Walthall:

Mr President then moved that the bill lay on the table until the first day of August next; which was lost. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Bridges Edmondson Erwin of G. Hemphill Irwin of H. Smith.

Those who voted in the negative are, messrs Barclay Conner Coopwood Dupuy Hogan Lawler M'Elderry Morton Perry Powell Vining Walthall.

Mr Hemphill moved that the bill be referred to a select committee ; which was lost. Mr Barclay moved that the bill be engrossed for a third reading on to-morrow ; which was carried.

Mr Morton moved to take from the table the engrossed bill from the House of Representatives to be entitled an act to alter the name of James Franklin Cooper to that of James Franklin Pride, and the name of George Westley Lindsly to that of George Westley Cockburn, and the name of Felix Lindsly to that of Felix Cockburn, and the name of Louisa Lindsly to that of Louisa Cockburn ; which was carried. On motion of mr Morton the bill was read the third time by its caption and passed. On motion of mr Bridges the title of said bill was amended so as to read as follows: "an act to alter the names of certain persons therein named."

Mr Abercrombie moved to take from the table and place among the orders of the day a bill to be entitled an act to emancipate certain slaves therein named ; which was carried.

Mr Perry moved to take from the table and place among the orders of the day the bill to be entitled an act to authorize William Barnett and Thomas Andrews to emancipate certain slaves therein named ; which was carried.

Mr Morton, from the committee on roads bridges and ferries to which was referred the engrossed bill from the House of Representatives to be entitled an act to establish certain ferries therein specified, reported the same, and recommended that the fourth section should be stricken out ; which was concurred in, and the fourth section stricken out. On motion of mr Hogan the bill was then read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Powell offered the following resolution: *Resolved*, that the acting secretary of the Senate be authorized to employ an additional assistant secretary for the balance of the session, if the public interest should so long require it ; which was adopted.

And the Senate adjourned till to-morrow morning at 10 o'clock.

*Saturday, Dec. 31, 1831.*—The Senate met pursuant to adjournment.

A message was received from the House of Representatives by mr Van Dyke, their assistant clerk: Mr President—The House of Representatives have passed bills of the following titles, to wit: An act to authorize John H. Garrett to open a certain road therein named and keep a ferry on the Coosa river ; an act to authorize William B. Norris to erect a mill on the Cahawba river ; an act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes ; an act to authorize the commissioners of revenue and roads of Baldwin county to levy a tax for the purpose of building a jail in said county ; an act to authorize Moses and Aaron Packer to establish a ferry across the Chatahoochie river ; and an act to add a part of the county of Tuscaloosa to Fayette county : in which I am directed to request the concurrence of the Senate. And then he withdrew.

Mr Powell presented the petition of sundry citizens of Tuscaloosa county, praying the passage of an act to incorporate the town of Trenton, in Tuscaloosa county ; which was referred to a select committee consisting of messrs Powell, Erwin and Lawler to consider and report thereon.

Mr Morton, from the committee on roads, bridges and ferries to whom was referred the memorial of Samuel Gates, of Pensacola, reported that they had had said memorial under consideration, and prayed to be discharged from the further consideration thereof.



Mr Irwin of H. moved that the Senate concur in said report, and the committee be discharged from the same; which was carried.

Mr Erwin of G. from the committee on the judiciary to whom was referred the engrossed bill from the House of Representatives to be entitled an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823, reported the same with an amendment by way of third section to the bill, which amendment was adopted; the bill was then read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Erwin of G. from the judiciary committee to which was referred a communication from the post-master at Mobile, together with an *incendiary* printed publication from the city of Albany, in the State of New-York, accompanying the same, reported that they had had the subject under consideration, and that he was directed to report as follows:

That so far as the prevention and suppression of such publications within the limits of this State can be prevented by legal sanctions, ample provision is made for that purpose by the — section of an engrossed bill from the House of Representatives, entitled "An act to prevent the introduction of slaves into Alabama, and for other purposes," which has already passed the Senate. But in relation to the proper or most efficient means of preventing and suppressing such publications without the limits of this State, by procuring the infliction of just punishment upon their authors and circulators, your committee have had much difficulty. The opinion was suggested, that an application, by way of memorial to Congress, on the subject, might be the means of effecting an object so desirable and necessary in all the slaveholding States; but, upon examination and reflection, your committee became fully satisfied, that it was a subject over which Congress could not rightfully exercise any control whatsoever, no power being delegated to them for that purpose by the constitution of the United States; that Congress does not possess the power to interpose and arrest an evil so dangerous and alarming to all the people of the slaveholding States, and so well calculated, if persisted in, to produce a serious misunderstanding between said States, and those in which such publications are permitted to be made, is deeply to be regretted. If rash, wicked and bigoted fanatics are suffered, under the shield and protection of the laws of the States in which they live, to poison the minds of our slaves, to render them more dissatisfied with their condition, and excite them to acts of violence and blood-shed against their masters, the harmony of the *Union* will be greatly disturbed, and the destruction of the unfortunate race thus madly and criminally attempted to be benefitted, will be the probable catastrophe. Such consequences, it is the duty of every man who loves his country or humanity, to avert by all the means in his power. The superintending control and management of a subject which so intimately concerns the national welfare, would be better vested in Congress than in the several States, because of the inability of the latter to exert an authority and influence co-extensive and commensurate with the evil. If such publications were made in the States most deeply interested in preventing them, their present powers would be amply sufficient for that purpose. But such unfortunately is not the case; they are made in States distant from those whose peace and security they are intended to destroy, and where their laws cannot reach them, and hence the necessity of a more general and pervading power than those States possess. In the opinion of your committee, the most probable, if not the only, means of preventing such publications being made and circulated, will be to induce the constituted authorities of those States in which they are made, to exert what powers they possess for that purpose. It is hoped and believed, that no State will be found so lost to a sense of justice, good feeling, and humanity, as not to pursue a course so reasonable in itself, and so indispensably necessary to the well-being of the slaveholding States, if requested to do so. Your committee would therefore respectfully submit, that it is necessary and proper for the Governor of this State to open a correspondence, as early as convenient, with the Governors of those States in which publications have been, or may hereafter be made, tending to excite rebellion and insurrection amongst our slaves, for the purpose of inducing them to procure the adoption and enforcement of such measures as will in their respective States, effectually suppress an evil of such fearful and dangerous magnitude. And in conclusion, your committee submit the following resolutions:

Joint resolutions in relation to the suppression of publications of an incendiary character, in other States.

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the safety, peace, and happiness of the good



citizens of this State, imperiously requires the suppression of all publications tending to excite and produce conspiracies, insurrections and rebellions amongst their slaves; and that it is the solemn duty of every citizen of this State, whether in or out of office, to use all the means in his power to accomplish that object.

2. *Resolved*, That the Governor of this State be requested to open a correspondence with the Governors of those States in which such publications have been, or may hereafter be made, for the purpose of procuring the adoption and enforcement of such measures, by the proper authorities thereof, as will prevent such publications being made, and circulated when they are.

3. *Resolved*, That if any State, on the application and request of the Governor of this State for that purpose, should fail or refuse to make use of the means which such State possesses, and may rightly exert to prevent the making and circulating of such publications, such failure or refusal will be regarded by this State as evasive of a spirit hostile to that friendship and good understanding which should characterize sister States, and as inimical to her peace and safety.

4. *Resolved*, That the Governor be requested to transmit a copy of this report and resolutions to the Governors of those States with whom he may open a correspondence in pursuance thereof.

Which report was received, and said resolutions were read a first time.— On motion of Mr Hogan, the constitutional rule requiring joint resolutions to be read on three several days was suspended, and the resolutions were read a second time forthwith, and were laid on the table.

Mr Perry, from the judiciary committee to which was referred the bill to be entitled an act to incorporate the South Florence Railroad Company, reported the same without amendment. Mr President moved that the bill be considered as engrossed and read the third time; which was carried. The bill was then read the third time, and the question being put, shall this bill pass? it was decided in the affirmative. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler Perry Pickett Powell Smith Vining.

Those who voted in the negative are, messrs Abercrombie Barclay Coopwood M'Elderry Morton Walthall.

*Ordered*, that the title of said bill be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

Mr Perry presented the petition of Thomas Smith, praying the emancipation of certain slaves, and moved that the same be referred to a select committee; which was carried, and messrs Perry, Lawler and Dupuy were appointed said committee.

Mr Irwin of H. from the special committee to which was referred the bill from the House of Representatives to be entitled an act to amend an act, approved 20th January, 1836, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians, reported the same without amendment. On motion of Mr Irwin, the bill was then read the third time and passed. *Ordered*, that the House of Representatives be informed thereof.

Mr Hemphill obtained leave to introduce a bill to be entitled an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh; which was read the first time, and on motion of Mr Hemphill, the constitutional rule requiring bills to be read on three several days, was suspended, and the bill was read a second time forthwith and referred to the committee on education.

Mr Hemphill, from the committee on Indian affairs to which was referred a resolution requiring them to inquire into the expediency of memorializing the President of the United States, asking the appointment of commissioners to negotiate with the Creek and Cherokee Indians, &c. reported a memorial to the President of the United States on the subject of the Creek and Cherokee

Indians; which was read the first time and ordered to be read a second time on Monday.

Mr Vining offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of limiting the amount of interest on bills purchased by the State Bank, with leave to report by bill or otherwise; which was adopted.

Mr Lawler obtained leave to introduce a bill to be entitled an act for the relief of William Moore; which was read the first time, and on motion of Mr Lawler, the rule requiring bills to be read on three several days was suspended, and the bill was read a second and third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

Bills from the House of Representatives of the following titles, were read the first time and ordered to be read the second time on Monday next, to wit: An act to authorize John H. Garrett to open a certain road therein named and to keep a ferry on Coosa river; an act to add a part of the county of Tuscaloosa to Fayette county; an act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes; an act to authorize Moses and Aaron Packer, to establish a ferry across the Chatahoochie river; an act to authorize William B. Norris to erect a mill on the Cahawba river.

The bill from the House of Representatives to be entitled an act to authorize the commissioners of revenue and roads of Baldwin county to levy a tax for the purpose of building a jail in said county, was read the first time, and on motion of Mr Hogan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was read the second and third times forthwith and passed. *Ordered*, that the secretary acquaint the House therewith.

Mr Lawler moved that the Senate take up for consideration, the engrossed joint memorial to the Congress of the United States, requesting the unappropriated lands within the State of Alabama may be ceded to the State for the purposes of internal improvement and education; which was carried, and said memorial was read the third time. Mr Lawler moved to amend the same by adding thereto an engrossed rider, which amendment was adopted; after being read three several times, the question was then put, shall the memorial pass? Mr Abercrombie moved a call of the House, two members being absent it was laid on the table for one hour.

The engrossed bills to be entitled an act concerning executors and administrators, and an act to simplify *scire facias* in criminal cases, and for other purposes, were severally read the third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr Anderson, the bill from the House of Representatives entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, was taken up and read the third time. Mr Erwin of G. moved a call of the House, five members being absent, the bill was laid on the table one hour.

The bill to be entitled an act to reduce the rates of wharfage in the town of Montgomery, was read the second time, and on motion of Mr Abercrombie, was referred to a special committee; whereupon messrs Abercrombie, Pickett and Conner were appointed said committee.

A bill to be entitled an act to annex a part of Monroe county to the county of

Butler, was read the second time, and on motion of mr Smith, referred to the committee on county boundaries.

The bill to be entitled an act to define that which shall hereafter constitute a town to be liable to taxation as town property, was read a second time, and on motion of mr Smith, referred to the judiciary committee.

The bill from the House of Representatives to be entitled an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named, was read a second time. Mr Abercrombie moved to amend the bill by striking out in the second section the word "loaded," before the word "wagon," and the words "for each empty wagon fifty cents," and also, by inserting in said second section these words, "for each horse-cart, eighteen and three fourth cents, and for each led or loose horse, six and a fourth cents;" which several amendments were adopted. On motion of mr Abercrombie, the rule requiring bills to be read on three several days was suspended, and the bill was read a third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives of the following titles were severally read the third time and passed, to wit: An act to repeal in part and to amend an act entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named, approved December 28, 1828; an act to change the name of a certain person therein named; and an act to extend the corporation of the town of Athens, in Limestone county. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The bill from the House of Representatives to be entitled an act to alter and establish the boundary lines between certain counties therein named, was read the second time, and on motion of mr Hogan, referred to a select committee: messrs Hogan, Smith and Bridges were appointed said committee.

The bill from the House of Representatives entitled an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge, was read the second time and ordered to be read the third time on Monday next.

The bill from the House of Representatives entitled an act to limit actions against securities of officers, was read the second time, and on motion of mr Perry, it was referred to the judiciary committee.

The bill from the House of Representatives entitled an act to establish a road therein mentioned, was read the second time, and on motion of mr Hogan, the rule requiring bills to be read on three several days was suspended, and the bill was read a third time forthwith and passed. *Ordered*, that the secretary acquaint the House therewith.

The engrossed bill to be entitled an act to establish a branch bank of the State of Alabama, was on motion of mr Lawler, laid on the table until Monday next.

And then the Senate adjourned until this evening at 3 o'clock.

*Evening session, 3 o'clock.*—The Senate met pursuant to adjournment.

Mr Erwin offered the following resolution, which was adopted: *Resolved*, that a message be sent to the House of Representatives, informing that body that the Senate did on yesterday appoint George N. Stewart secretary *pro tem*.

The engrossed bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, was on motion of mr Erwin of G. laid on the table till Monday next.

The engrossed joint memorial to the Congress of the United States, requesting the unappropriated lands within the State of Alabama may be ceded

to the State for the purposes of internal improvement and education, was on motion of Mr Abercrombie, laid on the table till Monday next.

Engrossed bills of the following titles, were severally read the third time and passed the Senate, to wit: An act to authorize sheriffs to take recognizances in certain cases; an act to entitle certain persons therein named to the right of citizenship; an act to establish a State road from Tuscaloosa to Montgomery; and an act to incorporate the Prairie Creek Navigation Company. *Ordered*, that the titles be as aforesaid; and that they be sent to the House of Representatives for concurrence.

The engrossed bill to be entitled an act for the limitation of actions against securities of sheriffs, was read the third time. Mr Erwin moved to refer the same to the committee on the judiciary, with instructions to amend the same so as to protect the rights of infants, femes covert and persons *non compos mentis*; which was carried.

The engrossed bill to be entitled an act to amend an act establishing a bank of the State of Alabama, approved 20th December, 1823, was read the third time, and the question being put, shall this bill pass? it was decided in the affirmative. Yeas 13—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Bridges Coopwood Edmondson Erwin of G. Hogan Lawler M'Elerry Perry Pickett Smith Vining Walthall.

Those who voted in the negative are, Messrs Abercrombie Barclay Dupuy Irwin of H. Hemphill.

Mr Hogan, who voted in the majority, moved to reconsider the vote taken on yesterday, on the resolution authorizing the secretary *pro tem* to employ an assistant secretary; which was carried. Mr Hogan then moved that the said resolution lie on the table; which was carried.

The engrossed bill to be entitled an act to repeal in part and amend an act entitled an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University, passed December 24, 1822, was read the third time and passed. On motion of Mr Erwin of G. the title of said bill was amended by striking out all after the first words "an act," and inserting in lieu thereof those words: "defining more particularly what persons shall compose the faculty of the University of Alabama." *Ordered*, that the same be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act providing for the erection of a State Arsenal, was on motion of Mr Lawler laid on the table till Monday.

The engrossed bills from the House of Representatives of the following titles were severally read the third time and passed, to wit: an act to provide for the support of paupers in the county of Franklin; an act for the support of paupers in certain counties therein named; an act to authorize the commissioners courts of the counties of Franklin and Lawrence to build a bridge across Town creek; an act to authorize the administrators of the estate of James Ringstaff deceased, late of Lowndes county, to make title to a certain tract of land therein named; an act authorizing certain persons therein named to build a bridge across Flint creek in Morgan county; an act to alter the time of holding the courts of commissioners of revenue and roads of Shelby county; an act for the relief of the Limestone Guards; an act for the relief of certain purchasers of the sixteenth section in township two, range one, east of the basis Meridian in the land district of Huntsville; an act to amend the several acts in relation to the compensation of petit jurors in the county of St Clair. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The Engrossed bill from the House of Representatives entitled an act for the relief of Winifred Jemison wife of John Jemison, was read the third time. Mr Bridges moved to lay the same on the table; which was carried.

The bill to be entitled an act to improve the navigation of the Coosa river and for other purposes, was on motion of mr Erwin of G. referred to the committee on inland navigation.

Mr M'Elderry moved that mr Pickett be added to the committee on inland navigation; which was carried.

Mr Coopwood presented the petition of sundry citizens of Lawrence county concerning the purchasers of donated lands in that county; which was on his motion, laid on the table.

On motion of mr Abercrombie, mr Hemphill was added to the committee on inland navigation.

The engrossed bill from the House of Representatives entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison, was read the third time. Mr Morton offered two additional sections, numbered three and four; which was read three several times and adopted, as an amendment by way of engrossed ryder to the bill: the bill was then passed. Mr Morton moved to amend the title of the bill by striking out the words "of Morgan and Madison," and adding in lieu thereof the words "therein named;" which was carried.

A bill to be entitled an act to regulate the time of payment for lands sold at the land office in Courtland, was read the second time, and on motion of mr Coopwood, it was referred to a select committee to consist of messrs Coopwood, Vining and Edmondson.

On motion of mr Coopwood, the petition by him presented this evening, of sundry citizens of Lawrence county, concerning the purchasers of donated lands in that county, were taken from the table and referred to the same special committee as the foregoing bill.

Mr Barclay, from the select committee to which was referred the bill entitled an act to distribute the interest of the three per cent fund among the different counties of the State, reported the same with an amendment, by striking out all after the enacting clause and inserting in lieu thereof a substitute, and on motion of mr Hogan, the bill and substitute were referred to the committee on inland navigation.

On motion of mr Hogan, mr Morton was added to the committee on inland navigation.

The engrossed bill from the House of Representatives to be entitled an act to incorporate the planter's wharf and steamboat company, in the town of Montgomery, was on motion of mr Abercrombie, referred to a select committee, consisting of messrs Abercrombie, Pickett, and Conner.

A bill to be entitled an act to allow compensation to Edmund King and Thomas T. Walker, for damages which they have sustained by running the State road through their lands lying north of Montevallo, was read the second time, and on motion of mr Lawler, ordered to be engrossed and read a third time on Monday.

The engrossed bill to be entitled an act to provide for taking the depositions of certain officers therein named, and for other purposes, was read the third time. Mr Perry moved to amend the bill by way of engrossed ryder; which was read three several times and adopted, to be added at the end of the first section: the bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

And then the Senate adjourned until Monday morning at 10 o'clock.

*Monday, January 2, 1832.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by mr Van Dyke, their as-



sistant clerk: Mr President—The House of Representatives have passed a bill of the following title, an act authorizing the judge of the county court of Montgomery county to grant permission to Robert J. Ware and others to make titles to certain lands therein named, in which they desire your concurrence, and then he withdrew.

Mr Hogan moved to amend the title of the joint resolutions passed on the 28th December last, praying the assent of Congress to the laying of a tonnage duty for the support of the harbour master of the city of Mobile, so as to read as follows, viz: "Joint resolutions asking the consent of Congress to lay a tonnage duty of three cents per ton, for the support of a harbour master for the port and harbour of Mobile; which was carried. *Ordered* that the same be sent to the House of Representatives for their concurrence.

Bills from the House of Representatives to be entitled an act to authorize John H. Garrett, to open a certain road therein named, and to keep a ferry on the Coosa river.

An act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes, and an act to authorize William B. Norris to erect a mill on the Cahawba river, were severally read the second time and ordered to be read a third time on to-morrow.

The bill from the House of Representatives to be entitled an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge, was read the third time and passed the Senate. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The Bill from the House of Representatives entitled an act authorizing the judge of the county court of Montgomery county to grant permission to Robert J. Ware and others to make titles to certain lands therein named, was read a first time and ordered to be read a second time on to-morrow.

The bill from the House of Representatives to be entitled an act to incorporate the Florence Bridge company, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Vining obtained leave to introduce a bill to be entitled an act to change the time of holding the county court of Madison county; which was read the first time and ordered to be read a second time on to-morrow.

The engrossed bill to be entitled an act to authorize James Doran to emancipate certain slaves therein named, was on motion of Mr Erwin laid on the table.

The engrossed bill to be entitled an act to provide for the payment of jurors in the county of Pickens, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

The engrossed bill to be entitled an act to provide for the payment of the land commissioners for certain services rendered the State, was laid on the table.

The engrossed bill to be entitled an act to allow compensation to Edward King and Thomas T. Walker for damages which they have sustained by running the State road through lands lying north of Montevallo, was read the third time. Mr Lawler moved to fill the blanks in the first and second sections with "one hundred and fifty;" which was carried. The question was then put, shall the bill pass? and decided in the negative. Yeas 5—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson Conner Lawler Perry Powell.

Those who voted in the negative are, Messrs President Abercrombie Bridges Dupuy Edmondson Erwin of G. Hogan Irwin of H. M'Elerry Smith Vining Walthall.

The engrossed bill to be entitled an act permanently to fix the seat of justice in the county of Wilcox, was, on motion of mr Walthall, laid on the table.



The engrossed bill from the House of Representatives entitled an act to add a part of the county of Tuscaloosa to Fayette county, was read the second time, and, on motion of Mr Powell, referred to a select committee, consisting of Messrs Powell, Anderson and Dupuy.

The engrossed bill to be entitled an act permanently to fix the seat of justice in the county of Wilcox, was, on motion of Mr Bridges, taken from the table, and referred to a select committee, consisting of messrs Bridges, Vining, and Smith.

Mr Bridges, from said special committee, reported said bill with an amendment in the first section, by striking out the name of *Duncan C. Smith*, and inserting in lieu thereof the name of *William Bonner*; which amendment was concurred in and adopted. The bill was then read a third time by its title and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

On motion of Mr Hogan, the report and joint resolutions in relation to the suppression of publications of an incendiary nature in other States, were taken from the table. Mr Bridges moved to strike out the third resolution; which motion was lost. Mr Hogan moved that the resolutions and report be engrossed for a third reading on to-morrow; which was carried.

The memorial to the President of the United States on the subject of the Creek and Cherokee Indians, was, on motion of Mr Conner, referred to a special committee, to consist of messrs Conner, Hemphill, and Abercrombie.

Mr Abercrombie presented the petition of sundry citizens of Montgomery county, praying that a sale made in said county of a certain sixteenth section might be declared void for fraud, and certain commissioners removed, &c.; also presented divers affidavits in support of said complaint; all which, on motion of Mr Abercrombie, were referred to a select committee, consisting of messrs Abercrombie, Perry, and Erwin to consider and report thereon.

Mr Smith moved for leave to file and spread on the journals of the Senate, a protest; which was granted. Which protest is as follows, to wit:

The undersigned, a Senator from the counties of Monroe and Clarke, having voted in the minority on the question to postpone indefinitely, the preamble and resolutions heretofore introduced in the Senate, declaring the doctrine of Nullification to be unauthorized by the Constitution of the United States, and dangerous to, and subversive of the union of the States, and recommending Gen. Andrew Jackson as worthy of the confidence and entitled to the support, of the American people for President of the United States, avails himself of the constitutionally privileged opportunity against the decision of the majority, and does most earnestly and solemnly protest against the postponement of the preamble and resolutions, for the following reasons:

The resolutions on the subject of Nullification have been disapproved by the Senate, and their decision virtually adopts that doctrine. The subject has for some time been freely and fully discussed among the people of this State, and if their sentiments and wishes are known on any public subject whatever, they are known on this. The undersigned professes to know something of the popular voice upon this topic; and he firmly believes, that nineteen out of twenty of his constituents are fully convinced that Nullification is the harbinger of civil war; and if carried into effect, will overthrow the fair fabric of our Republic. Ours is emphatically a government of the people, and it is the duty of their Representatives to give effect to their will, no matter how ascertained, until our system shall prove a delusion. The undersigned will insist that the American people are capable of self-government; and therefore, their wishes ought not to be disregarded. He is aware that the introduction of the resolutions was productive of some excitement in the Senate, and that this had an influence in determining some gentlemen to vote for their postponement. Not pretending to question their right to this consideration all the weight they may choose to give it, the undersigned, for himself, deems it entitled to none. He believes that duty, patriotism, and fidelity to his constituents, require that he should with firmness vindicate the rights and interests of the people, and that, to be deterred by the apprehension of excitement, would essentially disqualify him for the responsible and sacred trust committed to his hands: excitement has no terrors with

our people, and it should have less with their representatives. They march to the polls and vote for the men of their choice, unmoved by popular tumult, and undismayed by popular prejudice or excitement. The times and the crisis demand an expression from the General Assembly of their opinion on this subject, so fraught with mischief, so destructive to the happiness of our people, and of the best interests of the country. What means more effectual to defeat the extraordinary and untiring exertions of its advocates, to render it acceptable to the community? At present but very few avow this doctrine under its present name; but it cannot be disguised, that there are many in close and earnest co-operation with them to disseminate all the poison of its principles. A prospectus of a disorganizing newspaper, to be established in the city of Mobile, is already before the public, cheered by the promise of a thousand subscribers. Another newspaper already established, bears Nullification on its front; and there is yet another feasting on the treasury pap, administering comfort, counsel, and consolation to its votaries. Shall we, then, who are placed here as the sentinels of the people, fold our arms, while this desolating monster is abroad in our land? Yes, it seems we must do this, because honorable Senators will become excited. It is not for the undersigned to question the patriotism of those gentlemen who have given in their faith to this doctrine, nor will he express any distrust of their professions of attachment to the Union; but he will say, that any political creed which would reject the Declaration of our Independence, written by the almost inspired pen of the immortal Jefferson, which teaches its advocates to oppose the re-election of Andrew Jackson, and to disclaim all interest in the choice of a President for our common country, and a doctrine, too, which received its origin in the Hartford Convention, ought to excite our distrust.

The Nullifiers, or State Right and Free Trade party at the celebration of last 4th of July in Charleston, refused to read the Declaration of Independence, and they have recently refused to nominate Gen. Andrew Jackson for the Presidency, declaring that they feel no interest in the election of that officer.

The following resolution was adopted by the Hartford Convention, at a time when our Government was struggling amidst the difficulties of the last war:

"When emergencies occur which are beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges, and execute their own decrees."

These are not the proofs which the illustrious men of other times, which a Washington, Jefferson, Madison, Monroe and Jackson and their companions, gave of their attachment to the Union, and to the country which they won by their valor and by their blood.

Until the present session, the Senate, for many years, have believed that they were required by the constitution to express their favorable opinion of General Jackson, and to nominate him for the Presidency of the United States. Why this sudden refusal to respond to the united voice of the people, at this time? He has an opposition more formidable than at any former period. He has already two opponents, powerful for their talents and the number of their friends; and whatever may be the fact in this State, it is certain that the Nullifiers of South Carolina will combine against him. These circumstances have led the people of this State to expect that the man of their choice would be recommended by this General Assembly, and the undersigned is persuaded that the indefinite postponement of the resolution will be to them a source of deep mortification and regret.

Therefore, the undersigned, in behalf of himself and of the good people which he has the honor to represent, enters this his solemn Protest.

NEAL SMITH.

The bills to be entitled an act to authorize William Barnett and Thomas Andrews to emancipate certain slaves therein named, and an act to emancipate certain slaves therein named, were severally read a second time and ordered to be engrossed for a third reading to-morrow.

The engrossed bill to be entitled an act providing for the erection of a State Arsenal, was read the third time. Mr Powell moved to fill the blank in the second section of the bill with "the commissioners appointed to erect the State Capitol;" which was carried. Mr Hogan moved to fill the blank in the fourth section with "fifteen hundred." Mr Perry moved a call of the House; five members being absent, the bill was laid on the table.

Mr President laid before the Senate a communication addressed to him by George N. Stewart, mayor of the town of Tuscaloosa, communicating to the Senate a resolution passed by the board of mayor and aldermen of Tuscaloo-

sa offering the necessary ground in the town of Tuscaloosa to build a State Arsenal on, should the State determine to build one; which was read.

The engrossed bill from the House of Representatives entitled an act to authorize Moses Packer and Aaron Packer to establish a ferry across the Chattahoochie river, was read the second time, and on motion of mr Irwin of H. was referred to a special committee to consist of messrs Irwin, Hemphill and Abercrombie.

And then Senate adjourned till to-morrow at 11 o'clock.

*Tuesday, Jan. 3, 1832.*—The Senate met pursuant to adjournment.

A message was received from the House of Representatives by Mr Van Dyke, their assistant clerk: Mr President—The House of Representatives have passed a bill of the following title, viz: An act to discontinue and establish certain election precincts therein specified, in which I am directed to request the concurrence of the Senate. The House of Representatives concur in the amendments made by the Senate, to the bills which originated in their House of the following titles, viz: An act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; an act for the relief of certain occupants of lands in the counties of Morgan and Madison; an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823; an act to alter the name of James Franklin Cooper to that of James Franklin Pride, and the name of George Westley Lindsly to that of George Westley Cockburn, and the name of Felix Lindsly to that of Felix Cockburn, and the name of Louiza Lindsly to that of Louiza Cockburn; and an act to establish certain ferries therein specified. The House of Representatives have also directed me to inform the Senate that they recede from their amendment to the sixth section of the bill from the Senate entitled an act to provide for the more speedy trial of slaves and free persons of color. They have also concurred in the amendment of the Senate, to their amendments to the third section of said last mentioned bill: And then he withdrew.

Mr Perry, from the judiciary committee to which was referred the petition of Fanny Lester, reported a bill for her relief to be entitled an act to authorize Fanny Lester, administratrix of Moses Lester, deceased, to sell and convey certain real estate therein named; which was read the first time and ordered to be read a second time on to-morrow.

Mr Hogan, from the special committee to which was referred the petition of a committee of persons in Mobile, praying the incorporation of a company to be called the Mobile Guards, reported a bill to be entitled an act to organize a legion of volunteers within the city and county of Mobile; which was read the first time. Mr Smith moved to suspend the constitutional rule requiring bills to be read on three several days; which was carried, and on motion of mr Smith, the bill was read a second time forthwith, and referred to the military committee.

Mr Erwin of H. from the special committee to which was referred the bill from the House of Representatives entitled an act to authorize Moses and Aaron Packer to establish a ferry across the Chattahoochie river, reported the same without amendment, and on motion of mr Irwin of H. the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr m'Elderry, from the committee on enrolled bills, reported that they had examined and found to be correctly enrolled, bills of the following titles: an act to incorporate the Washington Light Infantry, in the county of Autauga; an act amendatory to the several acts now in force relative to improving a road

leading from Blakely to the upper line of Baldwin county by way of Durant's; and an act amendatory to the several acts concerning witnesses, which bills were accordingly signed by Mr President.

On motion of Mr Morton, the engrossed bill to be entitled an act to provide for the payment of the land commissioners for certain services rendered the State, was taken up. Mr Morton moved to refer the bill to a special committee with instructions to amend the same by striking out "twenty" and inserting "thirty" in the last section of the bill; which was carried, and messrs Morton, Bridges and M'Elderry were appointed said committee.

Mr Perry obtained leave to introduce a bill to be entitled an act for the relief William Taylor; which was read a first time and ordered to be read a second time on to-morrow.

Mr Smith offered the following resolution: *Resolved*, that a committee be appointed to inquire into the expediency of forming some general law relative to the emancipation of slaves, and of having all free persons of color transported to Liberia, and to report by bill or otherwise; which was adopted: whereupon messrs Smith, Erwin and Bridges, were appointed said committee.

On motion of Mr Bridges, the bill from the House of Representatives entitled an act for the relief of Winifred Jemison, wife of John Jemison, was taken from the table and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The engrossed bill from the House of Representatives entitled an act to discontinue and establish certain election precincts therein specified, was read the first time, and on motion of Mr Anderson the constitutional rule requiring bills to be read on three several days was suspended, and the bill was read a second time by its title. Mr Hogan offered the following amendment to the bill, to be added after the name of Jacob Page, "one at the house of Henry Miller, on the Pascagola road; one at the house of John B. Bozard;" which was adopted. And on motion of Mr Anderson, the bill was then referred to the same committee to which a bill on the same subject was formerly committed in the Senate, consisting of messrs Lawler, Smith and Edmondson.

The engrossed bill to be entitled an act providing for the erection of a State Arsenal, was taken up, the question being on the motion heretofore made to fill the blank in the fourth section, said motion was modified so as to read "fifteen hundred dollars if so much is required," and the motion was then carried and the blank was so filled. Mr Perry moved to amend the bill by way of an engrossed rider, to be inserted at the end of the bill by way of two provisos. Mr Hogan moved to amend the amendment offered by Mr Perry, by striking out therefrom the last proviso; which was carried. Yeas 12, Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hogan M'Elderry Powell Vining Walthill.

Those who voted in the negative are, Messrs Abercrombie Anderson Barclay Hemphill Irwin of H. Lawler Morton Perry Pickett.

The question was then put on the adoption of the amendment of Mr Perry as amended, and was decided in the negative. Yeas 6—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Hemphill Hogan Lawler Perry Pickett Walthill.

Those who voted in the negative are, Messrs President Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmondson Erwin of G. Irwin of H. M'Elderry Morton Powell Vining.

The question was then put, shall this bill pass? and determined in the affirmative. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmondson Erwin of G. Morton Powell Vining.

Those who voted in the negative are, messrs Hemphill Hogan Irwin of H. Lawler M'Elderry Perry Pickett Walthall.

*Ordered*, that the title be as aforesaid. *Ordered*, that the bill be sent to the House of Representatives for concurrence.

The engrossed bill entitled an act to establish a branch bank of the State of Alabama, was on motion of Mr Irwin of H. laid on the table.

The engrossed joint memorial to the Congress of the United States requesting that the unappropriated lands within the State of Alabama may be ceded to the State for the purpose of internal improvement and education, was on motion of Mr Abercrombie laid on the table till to-morrow. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted for the motion to lay on the table till to-morrow are, messrs President Abercrombie Anderson Conner Irwin of H. M'Elderry Morton Perry Pickett Powell Walthall.

Those who voted in the negative are, messrs Dupuy Edmondson Erwin of G. Hogan Lawler Smith Vining.

The bill from the House of Representatives entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, was taken up, and the question being put, shall this bill pass? it was determined in the affirmative. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Conner Coopwood Dupuy Edmondson Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Powell.

Those who voted in the negative are, messrs Bridges Erwin of G. Pickett Smith Vining Walthall.

*Ordered*, that the secretary acquaint the House of Representatives therewith.

The engrossed bill to be entitled an act to authorize William Barnett and Thomas Andrews to emancipate certain slaves therein named, was read the third time, and then the question being put, shall this bill pass? it was decided in the negative. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Lawler M'Elderry Morton Perry Powell.

Those who voted in the negative are, messrs President Bridges Edmondson Erwin of G. Hemphill Hogan Irwin of H. Pickett Smith Vining Walthall.

Mr Morton, from the committee to which was referred the engrossed bill to be entitled an act to provide for the payment of the land commissioners for certain services rendered the State, reported the same with an amendment, by striking out the word "twenty" where it occurs in the second section of the bill, and inserting in lieu thereof the word "thirty;" which was concurred in. Mr Morton moved to amend the bill by adding thereto a proviso at the end of the second section; which was carried. The bill was then read the third time and passed the Senate. *Ordered*, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

The engrossed bill to be entitled an act to emancipate certain slaves therein named, was read the third time. On motion of Mr Abercrombie the blank was filled with \$500; and the question being put, Shall this bill pass? was decided in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Barclay Conner Coopwood Dupuy Lawler M'Elderry Morton Perry and Powell.

Those who voted in the negative are, messrs President Bridges Edmondson Erwin of G. Hemphill Hogan Irwin of H. Pickett Smith Vining and Walthall.

The bill from the House of Representatives entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes, was on motion of Mr Irwin of H. taken up and placed among the orders of



the day. And the Senate adjourned till to-morrow morning at 11 o'clock.

*Wednesday, Jan. 4, 1832.*—The Senate met pursuant to adjournment.

Mr M'Elderry, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, viz: An act amendatory to an act entitled an act supplementary to the laws concerning garnishment, approved December 17th, 1823; an act to alter the names of certain persons therein named; an act for the relief of certain purchasers of sixteenth sections, in township two, range one, east of the basis meridian in the land district of Huntsville; an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county; an act to alter the time of holding the courts of commissioners of revenue and roads of Shelby county; an act to amend an act, approved 20th January, 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians: all of which were signed by mr President.

Mr Abercrombie, from the select committee to whom was referred the bill to be entitled an act to incorporate the Planters' Wharf and Steamboat Company, reported the same with the following amendments, viz: strike out all after the word "cotton" in the tenth line of the fifth section down to the word "provided," in the sixteen line, and insert the following: "for each bale of cotton, six cents; for each bushel of grain or salt, three fourths of a cent; for each barrel, three cents; for each hogshead or pipe, ten cents; for every thousand feet of lumber, fifty cents; all boxes, packages, and merchandize usually charged by measurement, at the rate of three cents for every five feet; for all steamboats, one dollar and fifty cents for every day they remain at said wharf; for all barges and flats, one dollar per day for each day they remain at said wharf." Strike out the word "twenty" in the tenth line of the first section, and insert "seventeen;" which were concurred in, and the bill passed the Senate. *Ordered*, that the title be as above. *Ordered*, that the secretary acquaint the House therewith.

Mr Abercrombie, from the select committee to whom was referred a bill to be entitled an act to reduce the rates of wharfage in the town of Montgomery, reported the same without amendment; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Abercrombie, from the select committee to whom was referred the petition of sundry citizens of the county of Montgomery relative to the sale of a sixteenth section, reported the same back to the Senate, and asked to be discharged from the further consideration thereof, and that the same be referred to the judiciary committee; which was concurred in and the petition so referred.

Mr Dupuy introduced a bill to be entitled an act for the relief of the tax collector of Walker county; which was read, and the constitutional rule dispensed with, was read a second time forthwith and ordered to be engrossed for a third reading to-morrow.

Mr Anderson presented the account of mr Henry White; which was referred to the committee on accounts and claims.

The Senate then proceeded to the orders of the day.

Engrossed joint resolution in relation to the suppression of publications of an incendiary nature in other States, were read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river, was read a third time and passed the Senate. *Or-*



*dered*, that the title be as above. *Ordered*, that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives to be entitled an act amendatory to an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes, was read a third time and passed the Senate. *Ordered*, that the title be as above.

Mr Abercrombie, from the committee on county boundaries to whom was referred the bill to be entitled an act to annex a part of Monroe county to the county of Butler, reported the same without amendment; which was concurred in and the bill ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to authorize William B. Norris to erect a mill on the Cahawba river, was read a third time and passed the Senate. *Ordered*, that the title be as above.

A bill to be entitled an act to change the time of holding the county courts of Madison county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act authorizing the judge of the county court of Montgomery county to grant permission to Robert J. Ware and others to make title to certain lands therein named, was read a second time and ordered to a third reading on to-morrow.

A bill to be entitled an act to authorize Fanny Lister, administratrix of Moses Lister, to sell and convey certain real estate therein named, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Irwin of H. from the military committee to whom was referred the bill to be entitled an act to remove a portion of the public arms to the town of Montgomery, reported the same with the following amendment, viz: strike out of the first line of the fourth section the word "half," and insert the word "fourth" in lieu thereof; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

A message from the House of Representatives by mr Van Dyke: mr President—I am instructed by the House of Representatives to inform the Senate that they concur in the amendment made by the Senate to the bill entitled an act to incorporate the Florence Bridge Company.

Engrossed bill to be entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes, was taken up. Mr Irwin of H. moved to amend the bill by adding thereto an additional section, as section fourteen; which was adopted. Mr Smith moved to lay the bill on the table; which was lost. Yeas 2—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Erwin of G. and Smith.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler M'Elderry Morton Perry Vining Walthall.

Mr Irwin of H. moved to put the bill on its final passage, when mr Smith moved a call of the House; which was made. And the bill laid on the table for one hour.

Mr Bridges moved to take from the table the memorial to the Congress of the United States in relation to public lands; which motion prevailed. Mr Abercrombie moved to amend the second section of the memorial by striking out the words "one section" where it occurs, and inserting in lieu thereof the words "one quarter section." Mr Smith moved for a division of the question. The question was then taken on striking out; which was carried. Yeas 14—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Barclay Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Merton Smith and Vining.

Those who voted in the negative are, messrs Anderson Bridges Coopwood Walthall.

Mr Smith moved to fill the blank with the words "not exceeding one-half section; which was lost. Yeas 5—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Coopwood Merton Smith Walthall.

Those who voted in the negative are, messrs President Abercrombie Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Vining.

Mr Bridges moved to amend the memorial with the following resolution, viz: *Resolved*, that the Governor be requested to transmit a copy of the foregoing memorial and resolution to each of our Senators and Representatives in Congress; which was adopted. Mr Irwin of H. then moved to fill the blank with the words "one quarter section;" which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

And then the Senate adjourned until eleven o'clock to-morrow.

*Thursday, Jan. 5, 1832.*—The Senate met pursuant to adjournment.

Mr M'Elderry presented the claim of J. L. Owen, late sheriff of Morgan county; which was referred to the committee on accounts and claims.

Mr Powell, from the special committee to whom was referred a bill to be entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads, to apportion all the hands living in one mile of the Huntsville road, in Bibb county, to work on said road, reported the same with an amendment to the second section; which was concurred in. Mr Lawler moved to indefinitely postpone the further consideration of the bill; which was carried. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Bridges Conner Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler Smith Walthall.

Those who voted in the negative are, messrs Coopwood Dupuy M'Elderry Morton Powell Vining.

Mr Lawler, from the select committee to whom was referred the engrossed bill to be entitled an act to discontinue and establish certain election precincts therein specified, reported the same with sundry amendments, which on motion of Mr Lawler, was laid on the table.

Mr Lawler, from the same committee to whom was referred a bill establishing certain election precincts, reported the same without amendment; which was laid on the table.

Mr Hogan introduced a bill to be entitled an act to incorporate the Tennessee and Alabama railroad company; which was read, and the constitutional rule dispensed with, was read a second time forthwith and referred to the committee on inland navigation.

Mr Irwin of H. introduced a bill to be entitled an act for the payment of certain claims therein specified; which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Powell, from the select committee to whom was referred the petition of sundry inhabitants of Tuscaloosa county upon the subject of establishing and incorporating a town, reported a bill to be entitled an act to establish and incorporate the town of Trenton, in Tuscaloosa county; which was read, and the rule suspended, was read a second time forthwith and ordered to be engrossed for a third reading on to-morrow.

Mr Powell moved to take from the table the bill to be entitled an act to discontinue and establish certain election precincts therein specified. Mr

Powell moved to amend the amendment to the bill by striking out all after the word "Dale?" in the fourth section, and insert a seventh section to the bill; which was carried. Mr Abercrombie moved to amend the bill by the adoption of an eighth section, establishing an election precinct at the house of John Davis, in the county of Montgomery; which was adopted. Mr Coopwood moved to amend the bill by striking therefrom the third section; which was adopted. Mr Lawler moved the adoption of the amendments to the bill as reported and amended by the committee; which was adopted, and the bill ordered to a third reading on to-morrow.

Mr Bridges introduced a bill to be entitled an act to provide for the summoning a jury to attend the county court of Marengo county; which was read, and the constitutional rule being suspended, was read forthwith the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Bridges moved the following additional rule for the government of the Senate, viz: When a motion is made for a call of the House, such motion shall not be sustained except by the concurrence of one third of the members present; which was laid on the table for one day.

Mr Lawler introduced a bill to be entitled an act to explain more fully, a part of the county line between the counties of Bibb and Shelby; which was read, and the rule suspended, was read forthwith a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lawler introduced a bill to be entitled an act to alter the name of a certain town therein named; which was read a first time, and the rule suspended, and read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Abercrombie introduced a bill to be entitled an act for the relief of Edward Hanrick; which was read a first time, the rule dispensed with, read a second time forthwith and referred to the judiciary committee.

Mr Hogan offered the following resolution, viz: *Resolved*, that the committee on the State Bank be instructed to inquire into the propriety of adopting a form of a bill of exchange for the people of Alabama, to offer said bank in the transaction of their business, whereby the expense of instituting separate suits and causing an accumulation of costs and fees may be curtailed, and that they report by bill or otherwise; which was adopted.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have instructed me to inform the Senate, that they have had under consideration, the several amendments made by the Senate to the bill which originated in the House, of the following title, to wit: An act to prevent the introduction of slaves into the State of Alabama and for other purposes; and have concurred in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth and twentieth amendments, reported and communicated to the House by the Senate, and have amended the tenth amendment of the Senate by striking out the words "one hundred," and inserting in lieu thereof the words "thirty nine," and the twentieth amendment of the Senate by inserting after the word "color," in the third line of section 27, the words "unless in the presence of five respectable slave holders," and further by adding to the end of said section the following proviso: "*Provided*, that the negroes so harranguing and preaching shall be licensed by some regular body of professing christians immediately in the neighborhood and to whose church or society such negro shall regularly belong." They have disagreed to the twelfth, thirteenth and eighteenth amendments as made

to said bill by the Senate and communicated to the House. They have also further amended the twentieth amendment of the Senate by additional section No. 27, by striking out the word "dollars," and inserting in lieu thereof the word "lashes:" in which several amendments above set forth the concurrence of the Senate is requested.

The House of Representatives have concurred in the amendments of the Senate, to the bill which originated in their House, of the following title, viz: An act for the relief of Winifred Jemison, wife of John Jemison; and have disagreed to the amendments of the Senate, to the bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, and request that a committee of conference upon said disagreement may be appointed on the part of the Senate: they have appointed as such committee on their part, messrs Erwin, Paul and Peete.

The House of Representatives have also passed bills of the following titles, viz: An act to organize a separate supreme court; an act authorizing the trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the nonpayment of the purchase money; an act to amend an act to alter the time of holding company courts martial, and for other purposes; and an act better to secure the university fund: in all of which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act to organize a separate supreme court, was read, and on Mr Coopwood's motion was laid on the table.

Mr Erwin of G. moved to appoint a committee of conference on the part of the Senate, on the amendment of the Senate to the bill appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, whereupon messrs Hogan, Edmundson and Bridges, were appointed said committee.

Engrossed bill from the House of Representatives entitled an act authorizing the trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money, was read, and the rule dispensed with and read a second time forthwith and referred to the committee on education.

Engrossed bill from the House of Representatives to be entitled an act to amend an act to alter the times of holding the company courts martial, and for other purposes; which was read, and the rule dispensed with and read a second time forthwith, and referred to the military committee. Mr Morton moved that Mr Hogan be added to the committee on education; which was so ordered.

Engrossed bill from the House of Representatives to be entitled an act better to secure the University fund, was read, and the rule being suspended, was read a second time forthwith and referred to the committee on education.

Engrossed bill to be entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes, was taken up. Mr Coopwood moved that the Senate do concur in the amendment of the House to the tenth amendment of the Senate; which was concurred in. Mr Coopwood moved that the Senate concur in the amendment of the House to the twentieth amendment of the Senate; which was carried. Yeas 11—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Conner Coopwood Dupuy Edmondson Lawler M'Elderry Morton Powell Smith Vining.

Those who voted in the negative are, Messrs President Abercrombie Erwin of G. Hemphill Hogan Irwin of H.

Mr Coopwood moved that the Senate concur in the proviso of the House to the twentieth amendment; which was carried. Mr Coopwood moved that the Senate do insist on the eighteenth amendment of the Senate to which the House have disagreed; which was lost. Yeas 6—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Vining.

Those who voted in the negative are, Messrs President Abercrombie Anderson Conner Dupuy Hogan Lawler M'Elderry Morton Powell Smith Walthall.

So the Senate receded from their amendment.

Mr Hogan moved that the Senate recede from the twelfth amendment of the Senate; which was carried. Mr Hogan moved that the Senate do insist on the thirteenth amendment of the Senate; which was carried.

A message from His Excellency the Governor by James I. Thornton, Esq.  
*Secretary of States Office, January 4th, 1832.*

Mr President:—I am requested by the Governor to inform your honorable body that he did on the 3d inst. approved and sign the following bills, viz: an act to incorporate the Washington Light Infantry, in the county of Autauga; an act amendatory to the several acts concerning witnesses; an act amendatory of the several acts now in force relative to the improving a road leading from Blakely to the upper line of Baldwin county by way of Durants; an act to repeal a part of an act to appoint commissioners for the counties of Perry and Marengo, to sell and convey certain lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same: all of which bills originated in the Senate; which message was ordered to lie on the table.

Mr Erwin of G. from the judiciary committee to whom was referred an engrossed bill to be entitled an act for the limitation of actions against the securities of sheriffs, reported the same without amendment; which was concurred in. Mr Erwin of G. moved to lay the bill on the table; which was carried.

Mr Erwin of G. from the judiciary committee to whom was referred an engrossed bill from the House of Representatives to be entitled an act to limit actions against the securities of officers, reported the same with the following amendments, viz: strike out the word "heretofore or" in the first section, and add thereto another section as section two; which was concurred in and the bill ordered to a third reading on to-morrow.

And the Senate adjourned until 11 o'clock to-morrow morning.

*Friday, January 6, 1832.*—The Senate met pursuant to adjournment.

Mr Erwin of G. from the judiciary committee to whom was referred a resolution inquiring into the expediency of revising the patrol laws, reported a bill to be entitled an act to revise and amend the laws regulating the patrols; which was read, and the rule being suspended, was read a second time forthwith. Mr Irwin of H. moved to lay the bill on the table until Monday next which was lost. Mr Erwin of G. moved to lay the bill on the table until to-morrow; which was carried.

Mr Irwin, from the military committee to whom was referred a bill to be entitled an act to organize a legion of volunteers for the city and county of Mobile, reported the same without amendment; which was read a third time and passed the Senate. *Ordered*, that the title be as above. *Ordered*, that the secretary acquaint the House therewith.

Mr M'Elderry from the committee on enrolled bills, reported the following bills as correctly enrolled: an act for the relief of certain occupants of lands in the counties therein named; an act to repeal in part and amend an act entitled an act to authorize John A. Chapman, Simcon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named, approved December 29th, 1829; an act to establish certain ferries therein specified; an act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes; an act to authorize the commissioners of revenue on roads of Baldwin county, to levy a tax for the



purpose of building a jail for said county; an act to authorize Enoch M. Natt to change a part of the State road leading from Tuscaloosa to Bainbridge; an act to change the name of certain persons therein named; an act to extend the limits of the corporation of the town of Athens in Limestone county; an act to authorize the administrator of the estate of James Ringstaff deceased, late of Lowndes county, to make title to a certain tract of land therein named; an act to authorize the commissioners court of the counties of Franklin and Lawrence to build a bridge across Town creek; an act to establish a road therein named; an act for the relief of the Limestone Guards; an act to amend the several acts in relation to the compensation of the petit jurors in the county of St Clair; an act for the support of paupers in certain counties therein named; and an act to provide for the more speedy trial of slaves and free persons of color: all of which were signed by Mr President.

*Mr Powell* introduced a bill to be entitled an act authorizing the inhabitants of township seven, and range six, in Lawrence county, to sell and dispose of part of the sixteenth section in town lots; which was read a first time, and the constitutional rule being suspended, was read a second time and ordered to be engrossed for a third reading on to-morrow.

*Mr Erwin* of G. from the committee on education to whom was referred a bill to be entitled an act to amend an act to authorize the sales of sixteenth sections, and for other purposes, passed 15th January, 1828, reported the same with two amendments, as section four and section five; which were concurred in. *Mr Bridges* moved that the bill lie on the table; which was carried.

A message from the House of Representatives by *Mr Van Dyke*: Mr President—I am directed by the House of Representatives to inform the Senate that they have concurred in the several amendments made by the Senate to the bill entitled an act to incorporate the Planters Wharf and Steamboat Company in the town of Montgomery. They have also read three several times and passed a bill from the Senate entitled an act for the payment of certain claims therein specified, and have amended the same as set forth in the bill, in which amendment the Senate concurred. *Ordered*, that the secretary acquaint the House with their concurrence therein.

*Mr Hemphill* moved to reconsider the vote taken on yesterday upon the bill to be entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all hands within one mile of the Huntsville road lying in Bibb county to work on said road; which was reconsidered. Yeas 9—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Barclay Conner Dupuy Hemphill Irwin of H. Morton Powell Vining.

Those who voted in the negative are, messrs President Bridges Edmondson Erwin of G. Hogan Lawler Smith Walthall.

*Mr Lawler* moved that the bill be referred to the committee on roads, bridges and ferries; which was carried, and the bill so referred.

*Mr Bridges* introduced a bill to be entitled an act concerning the registration of deeds and conveyances; which was read, and the rule being suspended, was read and ordered to be engrossed for a third reading on to-morrow.

Joint memorial to the Congress of the United States relative to internal improvement and education was taken up. *Mr Morton* moved to lay the bill on the table until Monday next; which was carried.

A bill to be entitled an act for the relief of William Taylor, was on motion of *Mr Bridges* laid on the table.

Engrossed bill from the House of Representatives entitled an act author-



izing the judge of the county court of Montgomery county to grant permission to Robert J. Ware, and others, to make titles to certain lands therein named, was read a third time and passed. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to extend the jurisdiction of the State of Alabama, over the territory according to the geographical boundaries within the limits of said state, and for other purposes. *Mr* Walthall moved to lay the bill on the table until to-morrow; which was carried.

Engrossed memorial to the Congress of the United States in relation to the public lands, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

*Mr* Hemphill moved to take from the table a bill to be entitled an act to regulate the rates of wharfage in the city of Mobile; which was carried. *Mr* Hemphill moved to put the bill on its final passage. *Mr* Hogan moved a call of the House, and the bill was laid on the table for one hour. The additional rule for the government of the Senate was taken up. *Mr* Hogan moved to refer the rule to a select committee; which was lost. *Mr* Erwin of G. moved to amend the rule by striking therefrom the words "one third of the" and insert in lieu thereof the word "five;" which was adopted. *Mr* Erwin of G. moved further to amend by the following proviso: "provided that there shall be but one call of the House on any one question;" which was lost. The rule as amended was then adopted.

*Mr* Abercombie presented the memorial of J. W. Freeman, William Sayre, and others, from the town of Montgomery, against reducing the rates of wharfage in the Town of Montgomery, as respects the Montgomery Wharf and Steamboat Company; which was read and laid on the table.

Engrossed bill to be entitled an act to reduce the rates of wharfage in the town of Montgomery, was read the third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

And the Senate adjourned until 11 o'clock to-morrow.

*Saturday, January 7th, 1832.*—The Senate met pursuant to adjournment.

*Mr* Walthall, from the committee on inland navigation to whom was referred a bill to be entitled an act to incorporate the Alabama and Tennessee Railroad Company, reported the same with sundry amendments, viz: a proviso to the second section, "provided no part of said capital shall be used for banking purposes;" by striking from the seventeenth section the word "Cahawba;" they further amend the bill by adding thereto an additional section as section eighteen, in all of which the Senate concurred. *Mr* Lawler moved to amend the bill by the following proviso to the end of the last section: "provided that nothing in this act contained shall be so construed as to prevent the State of Alabama from making any improvement which they may think proper in the navigation of the Coosa river;" which was adopted and the bill ordered to be engrossed for a third reading on Monday next.

*Mr* Morton, from the committee on roads, bridges and ferries to whom was referred a bill to be entitled an act to authorize the judge of the county court of Tuscaloosa county, and commissioners of revenue and roads, to apportion all hands within one mile of the Huntsville road, living in Bibb county, to work on said road, reported the same without amendment. *Mr* Powell moved that the bill be made the order of the day for a third reading on Monday next; which was adopted.

*Mr* Powell, from the committee on enrolled bills, reported as correctly en-

rolled a bill to be entitled an act for the payment of certain claims therein specified, which was signed by *Mr President*.

*Mr Irwin* of H. offered the following resolutions: *Whereas*, the eighth day of January, is dear to the hearts and feelings of every American patriot: *Therefore be it resolved*, that the doorkeeper of the Senate be instructed to illuminate the Senate Chamber on Monday evening the 9th inst. which was adopted. Yeas 14—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Conner Dupuy Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Smith Vining Walthall.

Those who voted in the negative are, messrs Barclay and Edmondson.

*Mr Erwin* of G. from the committee on education to whom was referred an engrossed bill from the House of Representatives entitled an act to authorize the trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money, reported the same without amendment. *Mr Erwin* moved to lay the bill on the table until Monday next; which was adopted.

A message from the House of Representatives by *mr Van Dyke*: *Mr President*—I am instructed by the House of Representatives to inform the Senate, that they recede from their disagreement, to the thirteenth amendment made by the Senate, to the bill to be entitled an act to prevent the introduction of slaves into the State of Alabama and for other purposes.

They have read three several times and passed, bills of the following titles, viz: An act to incorporate the Montgomery railroad company; an act to authorize the commanding officers of the forty-ninth regiment, in the eleventh brigade of the Alabama militia, to form two company beats with a less number than forty privates, in the county of Pike; an act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified; an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to said decedant; an act to compensate the commissioners of revenue and roads of the counties therein named; and an act for the relief of James A. Thompson, late tax collector of Dallas county: in all of which I am directed to ask the concurrence of the Senate.

The House have also read three several times and passed, bills from the Senate of the following titles, viz: An act to alter the name of a certain town therein named; an act for the relief of William J. Price, of Jackson county; an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale; an act to provide for the payment of jurors in the county of Pickens; an act to revive and amend an act entitled an act to incorporate the trustees of the Tuscumbia Academy, in Franklin county, approved January 13, 1826; an act to provide for the drawing of an additional number of jurors, and for compensating tales jurors in the county of Perry; an act for granting and releasing to Mary Seiber certain real estate escheated to the State of Alabama; an act to authorize Jesse During and Philip Brothers to turnpike a road therein mentioned; and an act to authorize Thomas M'Daniel to collect toll on a bridge across Conecuh river. The four last mentioned bills they have amended as set forth in the bills; in which amendments they request the concurrence of the Senate.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Montgomery railroad company, was read and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to authorize the commissioned officers of the forty-ninth regiment, in the eleventh

brigade of the Alabama militia, to form two company beats with a less number than forty privates in the county of Pike, was read, and the constitutional rule being suspended, was read a second time forthwith and ordered to a third reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified, was read the first time and ordered to a second reading on Monday next.

Mr Hogan, from the committee of conference to whom was referred the bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January the 30th, 1830, reported that the committee had disagreed to the amendment made by the Senate, and recommended the following amendment to the bill, passed by the House of Representatives: In the second section in the sixth line after the words "strikes the," insert the words "Sipsey river, thence down the centre of said river to the;" to which they ask the concurrence of the Senate.

Mr Hogan moved to lay the report on the table; which was carried.

Engrossed bill from the House of Representatives to be entitled an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to said deceased, was read and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to compensate the commissioners of revenue and roads of the counties therein named, was read, and the constitutional rules being suspended, was read a second time, and on motion of Mr Morton, was referred to a special committee consisting of Messrs Morton, M'Elerry and Smith.

Engrossed bill from the House of Representatives to be entitled an act for the relief of James A. Thompson, late tax collector of Dallas county, was read and ordered to a second reading on Monday next.

Mr Lawler introduced a bill to be entitled an act to incorporate a volunteer company under the name and style of the Coosa Cavalry; which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

The Senate concurred in the amendments proposed by the House of Representatives, to the bill which originated in the Senate, to be entitled an act to provide for the drawing of an additional number of jurors and for compensating tales jurors in the county of Perry.

The Senate concurred in the amendments made by the House of Representatives, to the bill which originated in the Senate, entitled an act granting and releasing to Mary Seiber certain real estate escheated to the State of Alabama.

A message from his Excellency the Governor, by James I. Thornton, Esq. Secretary of State.

*Secretary of State's Office, January 7th, 1832.*

Mr President—I am requested by the Governor, to inform your honorable body, that he did this day, sign and approve the following bills: An act for the payment of certain claims therein specified; an act to provide for the more speedy trial of slaves and free persons of color: both of which originated in the Senate.

The Senate disagreed to the amendment made by the House of Representatives to the bill from the Senate entitled an act to authorize Philip Brothers and Jesse Daring to turnpike a certain road therein mentioned.

The Senate concurred in the amendments made by the House of Repre-

representatives, to the bill from the Senate, entitled an act to authorize Thomas McDaniel to collect toll on a bridge across Conecuh river.

Mr Vining moved to take from the orders of the day a bill to be entitled an act to change the time of holding the county courts of Madison county; which was carried, and the bill read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Anderson introduced a bill to be entitled an act for the relief George H. Flournoy, judge of the county court of Pickens county; which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Powell moved to take from the orders of the day a bill to be entitled an act authorizing the inhabitants of township seven, and range six, in Lawrence county, to sell and dispose of part of their sixteenth section, in town lots; which was taken up, read a third time and passed the Senate. *Ordered*, that the title be as above, and that the Secretary acquaint the House therewith.

Mr Hogan moved to take from the table the bill to be entitled an act to establish a Branch Bank of the State of Alabama; which was carried and the bill taken up. Mr Powell moved to amend the bill by striking out the words "by joint vote of both Houses," and insert in lieu thereof "two thirds of the members of each Branch;" which was lost. Yeas 7—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Dupuy Erwin of G. Hogan M'Elderry Powell and Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Conner Edmondson Hemphill Irwin of H. Lawler Morton Smith Walthall.

Mr Irwin of H. moved to fill the first blank in the second section with the word "four;" which prevailed. Mr Irwin moved to fill the second blank with the word "three;" which was carried. Yeas 12—Nays 5.

Those who voted in the affirmative are messrs Abercrombie Barclay Conner Edmondson Hemphill Irwin of H. Lawler M'Elderry Morton Smith Vining Walthall.

Those who voted in the negative are, messrs President Dupuy Erwin of G. Hogan Powell

Mr Hogan moved to fill the third blank with the word "five;" which was carried. Mr Hogan moved to fill the blank in the fifth section with the words "eighteen hundred and forty-five;" which was carried. Mr Hogan moved to fill the blank in the sixth section with the words "at the counter of said bank;" which was carried. Mr Hogan moved to fill the blank in the seventh section with the words "once every three months;" which was carried. Mr Abercrombie then moved to lay the bill on the table until Monday; carried.

Mr Anderson moved that the Senate adjourn until eleven o'clock on Monday next; which was lost. Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Erwin of G. Hogan M'Elderry Morton Powell Smith.

Those who voted in the negative are, messrs Abercrombie Barclay Conner Dupuy Edmondson Hemphill Irwin of H. Lawler Vining Walthall.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill from the Senate entitled an act to change the time of holding the county courts of Madison county, and have amended the same as set forth in the bill: in which amendment they request the concurrence of the Senate.

Mr Vining moved that the Senate concur in the amendments made by the House of Representatives to the bill to be entitled an act to change the time of holding the county courts of Madison county; which was concurred in.

Mr Hogan moved that the Senate adjourn until Monday morning ten o'clock; which was carried. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Edmondson Erwin of G. Hogan Morton Powell Smith Vining.

Those who voted in the negative are, messrs Abercrombie Barclay Conner Dupuy Hemphill Irwin of H. Lawler Walthall.

The Senate then adjourned until 10 o'clock Monday morning.

*Monday, Jan. 9, 1832.*—The Senate met pursuant to adjournment.

Mr Conner, from the committee to whom was referred the memorial of the Legislature to the President of the United States on the subject of removing the Creek and Cherokee Indians, reported the same with amendments; which were concurred in, and the memorial ordered to be engrossed and read a third time on to-morrow.

Mr Erwin of G. from the committee on education to whom was referred the petition of Edmund King praying to be permitted to relinquish a tract of University land purchased by him, reported the petition back to the Senate, and asked leave to be discharged from the further consideration of the subject. The committee have instructed me further to report, that a majority of the committee believe that the trustees of the University possess the power to grant the relief prayed for; in which report the Senate concurred.

A message from the House of Representatives by mr Van Dyke: mr President—The House of Representatives have passed a bill from the Senate, entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company.

The Senate then proceeded to the orders of the day.

A bill to be entitled an act to revise and amend the law regulating patrols. Mr Irwin of H. moved to amend the bill by excluding from the operations of the act the counties of Henry, Covington, Pike and Dale; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Coopwood Dupuy Hemphill Irwin of H. Lawler Morton Powell.

Those who voted in the negative are, messrs Barclay Bridges Conner Edmondson Erwin of G. M'Elerry Pickett Smith Vining Walthall.

Mr Hemphill moved to amend the bill in the third section, ninth line, so as to give the leader or captain of patrol to break open any door where they believe a negro is harbored and the person refuses to permit a search. Mr Erwin of G. moved to amend the amendment by inserting, in presence of any two of the patrol; which amendment was carried; and then the amendment as amended was lost. Mr Bridges moved to amend the bill by inserting after the word "kitchen" the words "in which negroes reside; which was carried. Mr Lawler moved to strike out the word "time," and insert the word "once" where it occurs; carried. Mr Irwin of H. moved to strike out the word "twenty" where it occurs, and insert the words "thirty-nine; which was lost. Mr Irwin of H. moved to strike out the word "best," in the 12th section; which was lost. Mr Erwin of G. then moved that the bill be engrossed and read a third time to-morrow; carried. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Barclay Bridges Coopwood Edmondson Erwin of G. Hemphill Hogan Morton Pickett Powell Smith Vining Walthall.

Mr Powell introduced a bill to be entitled an act for the relief of Sarah A. Baker; which was read, and the constitutional rule being suspended was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above and that the secretary acquaint the House therewith.

Mr Morton, from the select committee to whom was referred the bill to be entitled an act to compensate commissioners of revenue and roads in the counties therein named, reported the same with an additional section extending the



provisions of the bill to the county of Franklin; which was concurred in, the bill read a third time and passed.

Mr Hemphill moved to take from the orders of the day a bill to annex part of Monroe county to Butler county. Mr Smith moved that the bill be referred to a committee of seven; which was carried: whereupon, messrs Barclay, Vining, Edmondson, Morton, Coopwood, M'Elderry and Powell were appointed said committee, and the bill so referred.

Mr Irwin of H. moved to take from the orders the bill extending the jurisdiction of the State over the chartered limits thereof, and that the same be put on its passage, when Mr Hogan moved a call of the House; which was sustained, and the bill laid on the table for one hour.

Mr Erwin of G. moved to take up the bill to organize a separate supreme court. Mr Erwin moved that the bill be ordered to a second reading on to-morrow; which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Bridges Conner Coopwood Erwin of G. Hogan Irwin of H. Lawler Morton Powell Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Dupuy Edmondson Hemphill M'Elderry Pickett Walthall.

Mr Lawler introduced a bill to be entitled an act to change a certain road therein named; which was read and ordered to a second reading on to-morrow.

Mr Morton moved to take from the table a bill to establish a Branch Bank of the State of Alabama. Mr Coopwood moved to amend the bill by way of engrossed ryder, giving to the bank corporate powers; which was carried. The bill was then put upon its final passage, and rejected. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Barclay Conner Coopwood Erwin of G. Hemphill Hogan Irwin of H. Lawler Morton Powell Smith and Walthall.

Those who voted in the negative are, messrs President Anderson Bridges Dupuy Edmondson M'Elderry Pickett and Vining.

There not being a constitutional majority the bill was rejected.

A bill to regulate the rates of wharfage in the city of Mobile, was taken up and passed the Senate. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Bridges Conner Coopwood Dupuy Hemphill Irwin of H. Lawler Morton Pickett Powell Vining Walthall.

Those who voted in the negative are messrs Anderson Barclay Edmondson Erwin of G. Hogan M'Elderry Smith.

Mr Bridges moved to take from the table a bill entitled an act to amend an act to authorize the sales of sixteenth sections and for other purposes. Mr Bridges moved to amend the bill by an additional section, as section five; which was carried, and the bill read a third time and passed the Senate.—*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

The hour having elapsed, the bill to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries thereof, within the limits of said State, and for other purposes, was taken up and passed. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Hemphill Irwin of H. Lawler M'Elderry Morton Pickett Walthall.

Those who voted in the negative are, messrs President Bridges Edmondson Erwin of G. Hogan Powell Smith Vining.

Mr Lawler moved to take from the table the memorial to the Congress of the United States in relation to the public lands for the purposes of internal improvement and education, and that the same be put upon its passage; which was carried, and the bill passed. Yeas 11—Nays 10.



The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Conner Dupuy Edmondson Erwin of G. Hogan Lawler Pickett Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Bridges Coopwood Hemphill Irwin of H. M'Elderry Morton Powell Walthall.

Mr Coopwood presented the petition of sundry citizens of Lawrence county on the subject of donated lands; which was referred to the special committee heretofore raised in the Senate for that purpose.

Mr Coopwood offered resolutions in relation to the United States Bank; which were read. Mr Coopwood moved to suspend the rule and read the resolution forthwith a second time; which was lost. Yeas 14—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Bridges Coopwood Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Powell Walthall.

Those who voted in the negative are, messrs President Dupuy Edmondson Pickett Smith Vining.

There not being a constitutional majority, the resolution was lost. *Ordered* to a second reading on to-morrow.

Engrossed bill to be entitled an act for the relief of the tax collector of Walker county, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to remove a portion of the public arms to the town of Montgomery. Mr Irwin moved to fill the first blank in the bill with the word "four;" which was carried. Mr Abercrombie moved to fill the second blank with the word "thirty;" which was carried. Mr Abercrombie moved to fill the third blank with "one hundred and fifty;" which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Conner Coopwood Hemphill Irwin of H. Morton Pickett Powell and Walthall.

Those who voted in the negative are, messrs President Barclay Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Smith and Vining.

Mr Abercrombie moved to fill the blank with "one hundred and twenty-five;" which was carried. Mr Hogan moved to fill the blank in relation to the bond to be given with the words "five thousand;" which was carried. Mr Abercrombie moved to refer the bill with special instructions relative to the name of the person appointed to keep the public arms; which was carried: and the bill was referred to messrs Abercrombie, Hogan and Irwin of H.

Engrossed bill to be entitled an act to authorize Fanny Lister, administratrix of Moses Lister, deceased, to sell and convey certain real estate therein named, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Smith moved that the Senate adjourn to 10 o'clock to-morrow; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Bridges Dupuy Edmondson Erwin of G. Hogan Lawler Pickett Powell Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Conner Coopwood Hemphill Irwin of H. M'Elderry Morton Perry Walthall.

Mr Erwin of G. at the request of Mr Abercrombie, moved to reconsider the vote taken this day on the memorial to the Congress of the United States, relative to the public lands for education and improvement; which was carried. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Coopwood Hemphill Irwin of H. M'Elderry Morton Perry Powell Walthall.

Those who voted in the negative are, messrs Bridges Conner Dupuy Edmondson Erwin of G. Hogan Lawler Pickett Smith Vining.

The bill was reconsidered.

Mr Lawler moved to adjourn to 10 o'clock to-morrow; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Dupuy Edmondson Erwin of G. Hogan Lawler Powell Smith and Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Bridges Conner Coopwood Hemphill Irwin of H. M'Elderry Morton Perry Pickett Walthall.

Mr Hogan moved that the Senate adjourn to 3 o'clock; which was lost. Yeas 6—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Erwin of G. Hogan Lawler Smith and Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. M'Elderry Morton Perry Pickett Powell Walthall.

Mr Perry moved that the memorial be put upon its final passage. Mr Abercrombie moved that the previous question be put. Mr Erwin of G. made a point of order, whether the main question can be put while a Senator is addressing the chair. Mr President decided that it was out of order; from which decision Mr Abercrombie appealed to the Senate, and the Senate did not sustain the decision of the chair.

The question was then put, Shall the main question be now put? and carried. Yeas 16—Nays 6.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. M'Elderry Morton Perry Pickett Walthall.

Those who voted in the negative are, messrs Erwin of G. Hogan Lawler Powell Smith and Vining.

The memorial was then rejected. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Conner Dupuy Edmondson Erwin of G. Hogan Lawler Pickett Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Bridges Coopwood Hemphill Irwin of H. M'Elderry Morton Perry Powell Walthall.

The Senate then adjourned until 10 o'clock to-morrow morning.

*Tuesday, Jan. 10, 1832.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill entitled an act for the relief of William S. Hays, in which they request the concurrence of the Senate.

They have also passed bills of the following titles from the Senate, to wit: An act authorizing the inhabitants of township seven, in range six, in Lawrence county, to sell and dispose of part of their sixteenth section in town lots; and an act for the relief of George H. Flournoy, judge of the county court of Pickens county. They recede from their amendment to the bill from the Senate, entitled an act to authorize Jesse During and Philip Brothers to turn-pike a road therein mentioned.

The committee of conference appointed on the part of the House of Representatives, on the disagreement of the House to the amendments of the Senate, to the bill entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, reported that they recommend to the Senate, to recede from their amendment to the bill; and further recommend the following amendment to the bill passed the House of Representatives by way of engrossed rider: in the sixth line of the second section, after the words "strikes the," insert the words "Sipsey river, thence down the centre of said river to the;" which report was concurred in by the House, and they request the concurrence of the Senate in the same.

The House of Representatives concur in the resolution of the Senate, proposing that the two Houses will adjourn on the 14th of January next, *sine die*, and have amended the same by striking out the words "14th of January next," and inserting in lieu thereof the words "21st of January instant:" in which amendment they ask the concurrence of the Senate.

They have also adopted the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses of the General Assembly will meet in the Representative Hall on Tuesday the 20th instant, at half past six o'clock, P. M. and proceed to the election of five canal commissioners.

Engrossed bill from the House of Representatives entitled an act for the relief of William S. Hays, was read and ordered to a second reading on tomorrow.

The bill from the House of Representatives entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, with the amendments made thereto by the committee of conference, viz: in the sixth line of the second section after the words "strikes the," insert the words "Slipsey river, thence down the centre of said river to the."

Mr Erwin moved a point of order, whether it was in order for the Senate to act on the amendment, inasmuch as the Senate have heretofore acted on an amendment offered in the Senate similar to the one under consideration. Mr President decided that it was in order; from which decision Mr Erwin appealed to the Senate, which decision was sustained by the Senate. Yeas 16—Nays 4.

The yeas and nays being desired, those who voted for sustaining the chair are, messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmondson Hemphill Hogan Irwin of H. M'Elderry Morton Pickett Powell Walthall.

Those who voted against sustaining the chair are, messrs Erwin of G. Lawler Smith Vining.

Mr Anderson moved that the Senate concur with the amendments of the committee of conference; which was lost. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Dupuy Edmondson Hemphill Hogan Irwin of H. Morton Powell and Walthall.

Those who voted in the negative are, messrs President Bridges Coopwood Erwin of G. Lawler M'Elderry Pickett Smith Vining.

There not being a constitutional majority, the amendment was lost.

Mr President moved to reconsider the vote just taken on the amendment to the bill in relation to the establishing the line between the counties of Tuscaloosa, Greene and Pickens; which was carried. Mr President then moved to put the bill on its passage; which was lost. Yeas 13—Nays 7.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Dupuy Edmondson Hemphill Hogan Irwin of H. Morton Powell Walthall.

Those who voted in the negative are, messrs Bridges Coopwood Erwin of G. Lawler M'Elderry Smith Vining.

The Senate concurred in the amendment to the resolution to adjourn on the 14th January, made by the House of Representatives.

The Senate concurred in the resolution from the House of Representatives proposing to go into the election of five canal commissioners on Tuesday the 10th January, at half past six o'clock, P. M.

Mr Barclay moved to take from the table a bill to be entitled an act to authorize James Doran to emancipate certain slaves therein named; which was put upon its passage and passed the Senate. Yeas 11—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, messrs Anderson Barclay Conner Dupuy Hogan Lawler M'Elderry Morton Powell Vining.

Those who voted in the negative are, messrs President Abercrombie Bridges Edmondson Erwin of G. Hemphill Smith Walthall.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Morton moved to take from the orders of the day a bill to be entitled an act authorizing the trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University of the State of Alabama for the non-payment of the purchase money. Mr Morton moved to strike from the bill the following clause in the third section "or where the forfeiture has occurred from a failure to commence suit within the time prescribed by law." Mr President moved to lay the bill on the table until the first day of June next; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Conner Edmondson Hogan Lawler Powell Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Bridges Coopwood Erwin of G. Hemphill Irwin of H. M. Elderry Morton Pickett Walthall.

Mr moved to lay the bill on the table; which was carried. Mr Pickett moved to reconsider the vote which was taken on yesterday to establish a branch Bank of the State of Alabama; which vote was reconsidered and the bill put on its passage and passed by the constitutional majority required. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Barclay Conner Coopwood Erwin of G. Hemphill Hogan Irwin of H. Lawler Morton Pickett Powell Smith Walthall.

Those who voted in the negative are, messrs President Anderson Bridges Dupuy Edmondson M. Elderry Vining.

*Ordered*, that the title of the bill be as aforesaid, and that the secretary acquaint the House therewith.

Mr Erwin of G. moved to take from the orders of the day a bill to organize a separate supreme court; which was read a second time and ordered to a third reading on to-morrow. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Barclay Bridges Conner Coopwood Erwin of G. Hogan Irwin of H. Lawler Morton Powell Smith Vining.

Those who voted in the negative are, Messrs President Abercrombie Anderson Dupuy Edmondson Hemphill M. Elderry Walthall.

Mr Lawler moved to take from the table a bill to be entitled an act to place so much of the State road leading from Cahawba to Huntsville, as runs through the county of Shelby, under the control of the court of commissioners of revenue and roads of said county; which was taken up and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to limit actions against the securities of sheriffs, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have directed me to inform the Senate that they have adopted the following resolution, viz: *Resolved* by the House of Representatives, that the Senate be informed that the members of the House will assemble at the hour of half past six o'clock this evening, in their individual capacity, in the Representative Hall, for the purpose of nominating electors of President and Vice-President of the United States, at which time and place the Senators, in the same capacity, are respectfully invited to attend.

Mr Abercrombie moved to lay the message on the table: carried.

**Mr Erwin of G.** moved to reconsider the vote of the Senate which was taken yesterday on the amendment of **Mr Irwin of H.** to the bill to be entitled an act to revise and amend the law relating to patrols; which was reconsidered. **Mr Irwin of H.** moved to amend the bill by the following proviso at the end thereof, viz: "provided that this act shall not apply to the counties of Henry, Pike, Dale, Covington, Shelby, Bibb, and Jackson;" which amendment was adopted. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Dupuy Hemphill Irwin of H. Lawler Morton Pickett Powell Vining.

Those who voted in the negative are, messrs Bridges Edmondson Erwin of G. Hogan M'Elderry Smith Walthall.

The bill was then ordered to be read a third time on to-morrow.

Engrossed bill from the House of Representatives entitled an act to discontinue and establish certain election precincts therein specified, was taken up, read a third time and passed the Senate. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act to establish and incorporate the town of Trenton, in the county of Tuscaloosa, was taken up. **Mr Powell** moved to amend the third section by inserting the words "under the authority of the corporation" after the word "taxation;" which was adopted, and the bill passed the third reading. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to explain more fully a part of the county line between the counties of Bibb and Shelby, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to provide for the summoning of a jury to attend the county court of Marengo, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act concerning the registration of deeds and conveyances, was read a third time and passed. *Ordered*, that the title be as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads, to apportion all persons within in one mile of the Huntsville road, living in Bibb county, to work on the said road, was read a third time and passed the Senate. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Barclay Conner Dupuy Hemphill Irwin of H. M'Elderry Pickett Powell Vining.

Those who voted in the negative are, messrs President Anderson Bridges Edmondson Erwin of G. Hogan Lawler Smith.

**Mr Lawler** offered joint resolutions instructing our Senators and Representatives in Congress to procure a survey of the Coosa river. **Mr Abercrombie** made a question of order to the resolution, the substance thereof having been acted on in the joint memorial; which was rejected by the Senate. **Mr President** decided that the resolutions were in order; from which decision **mr Abercrombie** appealed. The Senate sustained the decision of the chair, the resolutions were then read and ordered to a second reading on to-morrow.

**Mr M'Elderry** asked leave of absence for the Senator from Lawrence county, from and after this day to the end of the session; which was granted.

The Senate then adjourned until half past 5 o'clock.

*Half past 5 o'clock P. M.*—Senate met pursuant to adjournment, and adjourned until half past 6 o'clock, P. M. there not being a quorum present.



*Half past 6 o'clock, P. M.*—The Senate met pursuant to adjournment.

Mr Powell introduced a bill to be entitled an act to authorize and provide for the liquidation of the claims of Hiram P. Cochran; which was read, and the rule suspended, was read three several times forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill to be entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, in which they request a concurrence of the Senate; which bill was laid on the table.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate the two Houses will also proceed to the election of a judge of the county court of Monroe county, at half past six o'clock.

Mr Smith moved to lay the resolution on the table; which was carried.

The House of Representatives have adopted the following resolutions: *Resolved*, that the Senate be now informed that this House is now ready to receive them for the purpose of going into the election of five canal commissioners, and a judge of the county court of Monroe county.

Mr Smith moved to strike from the resolution all that part thereof which relates to the judge of the county court of Monroe county; which was carried. Whereupon the Senate repaired to the Hall of the House, and were seated. Mr President announced the object of the meeting, and the two Houses proceeded to the election of five canal commissioners.

Messrs Ormond, Lane, Davis, Adair, Fearn, Craig, Coopwood and South-erland being innomination, Mr Lane, had 78; mr Craig, 62; mr Adair, 62; Ormond, had 59; mr Davis, 56; mr Fearn, 46; mr Coopwood, 38; mr South-erland, 12.

Those who voted for mr Ormond are, messrs President, Anderson, Barclay, Conner, Edmondson, Erwin of G. Hogan, Lawler, M'Elderry, Smith, Vining. Reps. messrs Speaker, Abernathy, Acklen, Boyd, Campbell, Carroll, Craig, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Goynes, Hall of B. Hays, Hollis, Johnston, Keener, Kilpatrick, Lane, Lockhart, M'Affee, M'Collum, M'Kinley, M'Vay, M'Rea, Moffett, Nabors, Norwood, Oliver of C. Payne, Paul, Peete, Philpot, Rather, Riddle, Ross, Saunders of L. Shackleford, Snedcor, Stephens, Tarrant, Walker, Ward, Watkins, Wil-kinson.—59.

Those who voted for mr Lane are, messrs President, Anderson, Barclay, Conner, Dupuy, Edmondson, Erwin of G. Hogan, Lawler, M'Elderry, Merten, Powell, Smith, Vining and Walthall. Reps. messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Craig, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goynes, Hall of B. Hays, Hollis, Herbert, Hickman, Hubbard, Johnston, Keener, Kilpatrick, King, Lane, Lockhart, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Snedcor, Stephens, Tarrant, Terrell, Walker, Ward, Watkins, Wilkinson.

Those who voted for mr Davis are, messrs President Abercrombie Anderson Barclay Conner Dupuy Edmondson Erwin of G. Hogan Hemphill Irwin of H. Lawler M'Elderry Morton Powell Smith Vining Walthall. Reps. messrs Speaker Acklen Baker Boyd Brodnax Campbell Cook Craig Dellet Drish Fontaine Foster Gilbreath Goodwin Harris Herbert Hickman Johnston Keener King of P. Lane Lockhart Moore Nabors Norwood Oliver of C. Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of L. Tarrant Terrell Watkins Wilkinson.

Those who voted for mr Adair are, messrs President, Abercrombie, Anderson, Barclay, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler,



M'Elderry, Morton, Powell, Smith, Vining. Reps. messrs Speaker, Acklen, Augustus, Brodnax, Carroll, Cook, Craig, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Hall of B. Herbert, Hickman, Hollis, Johnston, Kilpatrick, Lane, M'Afee, M'Collum, M'Kinley, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Payne, Peete, Philpott, Rather, Riddle, Ross, Saunders of D. Saunders of L. Shackelford, Snedcor, Stephens, Tarrant, Terrell, Toulman.

Those who voted for mr Fearn are, messrs Conner. Reps.—Abernathy Acklen Augustus Boyd Brodnax Campbell Faulk Farrar Gilbreath Goodwin Goynes Hall of A. Harris Hays Herbert Hollis Hubbard Johnston Kilpatrick King of P. Lane Lockhart M'Afee M'Collum M'Kinley M'Vay Moffet Musgrove Nabors Norwood Oliver of M. Paul Payne Peete Riddle Saunders Shackelford Snedcor Stephens Tarrant Toulmin Walker Ward Watkins Wilkinson.

Those who voted for mr Craig are, messrs President Abercrombie Bartkley Dupuy Edmondson Erwin of G. Hagan Irwin of H. Lawler M'Elderry Powell Vining Walthall. Reps. messrs Speaker Augustus Baker Brodnax Carroll Cook Craig Dellet Drish Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of B. Harris Hays Herbert Hickman Hubbard Keener King of P. Lockhart M'Afee M'Collum M'Kinley M'Rea M'Vay Moore Musgrove Oliver of C. Oliver of M. Paul Payne Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Snedcor Stephens Terrell Toulmin Walker Ward Wilkinson.

Those who voted for mr Coopwood are, messrs Abercrombie Conner Dupuy Hemphill Irwin of H. Morton Powell Smith Walthall. Reps. Abernathy Augustus Baker Boyd Campbell Carroll Cook Faulk Goynes Harris Hays Hickman Hollis Hubbard Keener Kilpatrick King of P. M'Ken M'Vay Moore Musgrove Oliver of M. Rugely Saunders of D. Shackelford Toulmin Walker Ward Watkins.

Those who voted for mr Southland are, messrs Abercrombie Hemphill Irwin of H. Metch Walthall. Reps. Abernathy Boyd Hubbard M'Rae Payne Rugely Toulmin.

Mr Speaker declared mr Ormond, mr Lane, mr Davis, mr Adair and mr Craig duly elected canal commissioners. Whereupon the Senate withdrew to the Senate chamber. Mr President resumed his chair.

And the Senate adjourned until to-morrow morning ten o'clock.

*Wednesday, Jan. 11, 1831.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, viz: An act to authorize John Wilkes, administrator of Philip Wilkes, deceased, to make titles to certain tracts of land therein specified; an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to a certain tract of land therein specified: in both of which they request the concurrence of the Senate. They have also passed a bill from the Senate entitled an act for the relief of the tax collector of Walker county. They concur in the amendments of the Senate to the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes; an act to compensate the commissioners of revenue and roads of the counties therein named. They have recommitted the bill to be entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tusculossa, Greene and Pickens, approved Jan. 20th, 1830, to the committee of conference heretofore appointed on the disagreement of the House of Representatives to the amendment of the Senate to the said bill, to consider further of the same. They did also, on yesterday, adopt the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall to-morrow at twelve o'clock, for the purpose of electing a judge of the county court of Monroe county.

Mr Vining, from the special committee to whom was referred the bill to be entitled an act to regulate the time of payment for lands sold at the land office in Courtland, reported the same without amendment. Mr Vining moved to lay the bill on the table; carried.

Mr Walthall, from the select committee to whom was referred a petition of William Read, reported a bill to be entitled an act to authorize William Read, of Perry county, guardian of John Stephens, to sell and convey certain real estate therein named; which was read and made the order of the day for a second reading on to-morrow.

Mr Abercrombie, from the select committee to whom was referred the engrossed bill to be entitled an act to remove a portion of the public arms to the town of Montgomery, reported the same with amendments, viz: Striking out the words "an assistant quarter master general," where it occurs in the second and third line of the second section, and insert the words "the sheriff of the county." In the same section where the words "assistant quarter master general" occurs, strike out the same and insert the words "sheriff of said county." Strike out the words "assistant quarter master general" in the first and second line of the third section, and insert the words "the sheriff of the county;" which were concurred in, and the bill passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Anderson offered the following additional rule for the government of the Senate, viz: No bill, resolution or other matter finally acted upon by the Senate, shall be sent to the House of Representatives until the next day after the same has been acted upon, unless so ordered by a vote of two-thirds of the Senate; which was laid on the table for one day.

Mr Abercrombie introduced a bill to be entitled an act to authorize a jury to be drawn for the county court of Lowndes county: which was read, the constitutional rule suspended, and the bill read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to incorporate a bank to be located at such place as shall be determined by the joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, was read, and the rule being suspended was read a second time forthwith and referred to the committee on the State Bank.

Mr Anderson moved to take from the table the resolution authorizing the secretary to appoint an assistant; which was carried. Mr Hogan withdrew his amendment thereto, and the resolution was adopted.

Engrossed bill from the House of Representatives entitled an act to authorize John Wilkes, administrator of Philip Wilkes, deceased, to make title to certain tracts of land therein specified, was read and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to authorize Samuel Savage, administrator of Alexander Farris, to make title to a certain tract of land therein specified, was read and ordered to a second reading on to-morrow.

The resolution from the House of Representatives proposing to go into the election of a judge of the county court of Monroe county on to-morrow at the hour of 12 o'clock, was, on motion of Mr Bridges, laid on the table.

Mr Barclay from the special committee to whom was referred the engrossed bill to be entitled an act to annex a part of Monroe county to the county of Butler, reported the same without amendment. Mr Bridges moved to lay the bill on the table; which was carried.

Mr Hogan moved to take from the orders of the day an engrossed bill to be entitled an act to incorporate the Tennessee and Alabama Railroad Com-

pany; which was taken from the table—carried. Mr Hemphill moved to lay the bill on the table; which was lost. Mr Lawler moved to fill the blank with sundry names; which was carried. Mr Pickett moved to insert the names of “George Taylor and William G. Hester” in the same blank; which was carried. Mr Smith moved to amend the bill by inserting the names of “John Murphy, of Clarke, and H. H. B. Hays, of Monroe; carried. Mr Abercrombie moved to amend the bill by inserting the names of “John Gindrat and William Sayre.” Mr Conner moved to amend the bill by inserting the names of “John H. Garrett and Archibald Sloan.” Mr Abercrombie moved to amend the bill by a proviso, precluding the United States from owning stock in said company; which was lost. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Morton Powell Walthall.

Those who voted in the negative are, messrs President Barclay Bridges Edmondson Erwin of G. Hogan Lawler M’Elderry Pickett Smith Vining.

The bill was then put on its final passage, and passed. Yeas 18—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hogan Irwin of H. Lawler M’Elderry Morton Pickett Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Abercrombie and Hemphill.

The Senate then proceeded to the orders of the day.

Engrossed bill from the House of Representatives entitled an act to authorize the commissioned officers of the forty-ninth regiment in the eleventh brigade of the Alabama militia, to form two company beats with a less number than forty privates in the county of Pike, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to incorporate the Montgomery Railroad Company, was read a second time and referred to the committee on inland navigation.

Engrossed bill to be entitled an act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act for the relief of James A. Thompson, late tax collector of Dallas county, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to authorize the executors of Allen Riley, late of Autauga county, to sell land which belonged to said decedant, was read a second time. Mr Hemphill moved to amend the bill with an additional section, as section two: which was carried. The bill was then ordered to a third reading on to-morrow.

Joint resolutions in relation to the Constitution of the United States, were read a second time and referred to the committee on the State Bank, after an unsuccessful motion of Mr Bridges to lay the resolutions on the table. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Bridges Dupuy Edmondson Erwin of G. M’Elderry Pickett Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Conner Hemphill Hogan Irwin of H. Lawler Morton Perry Powell Smith Walthall.

A bill to be entitled an act to change a certain road therein named, was read a second time, the rule suspended, and read a third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed joint memorial to the President of the United States in relation to the removal of certain Indian tribes, was read a third time and passed the

Senate. *Ordered*, that the title be as above. *Ordered*, that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to revive and amend the law regulating patrols, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act for the relief of William S. Hays, was read a second time and referred to the committee on education.

Engrossed bill to be entitled an act to organize a separate supreme court, was taken up. Mr President moved to lay the bill on the table until to-morrow; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Anderson Conner Dupuy Edmondson Hemphill M'Elderry Pickett Walthall.

Those who voted in the negative are, messrs Barclay Bridges Erwin of G. Hogan Irwin of H. Lawler Morton Perry Powell Smith Vining.

Mr Erwin of G. moved that the bill be put on its final passage; which carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Bridges Erwin of G. Hogan Irwin of H. Lawler Morton Perry Powell Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Conner Dupuy Edmondson Hemphill M'Elderry Pickett Walthall.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Joint resolutions instructing our Senators and Representatives in Congress to procure the survey of the Coosa river, was read a second time and referred to the committee on inland navigation.

Mr Lawler presented the account of John Lawler; which was referred to the committee of propositions and grievances.

Mr Hemphill called from the table a bill to be entitled an act to annex a part of Monroe county to the county of Butler. The bill was put upon its passage, and lost. Yeas 11—Nays 7.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Edmondson Hemphill M'Elderry Morton Powell Walthall.

Those who voted in the negative are, messrs Bridges Erwin of G. Hogan Lawler Pickett Smith Vining.

There not being a constitutional majority, the bill was lost.

Mr Anderson moved to adjourn until 10 o'clock to-morrow; which was lost. Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Barclay Edmondson Hogan Lawler Smith Vining.

Those who voted in the negative are, messrs Abercrombie Bridges Erwin of G. Hemphill Irwin of H. M'Elderry Morton Pickett Powell Walthall.

Mr Morton moved to take from the table a bill to be entitled an act authorizing the trustees of the University to sell and dispose of the lands forfeited to the University for the nonpayment of the purchase money; carried. Mr Morton moved to refer the bill to the committee on education; which was carried.

The Senate then adjourned until 10 o'clock to-morrow morning.

*Thursday, Jan. 12, 1832.*—The Senate met pursuant to adjournment.

Mr Irwin of H. from the military committee to whom was referred the report of the Quartermaster General, reported that they had examined all the arms and accoutrements in the possession of that officer, and find his report to be correct in every particular. Mr Lawler moved to lay the report on the table; which was concurred in.

Mr M'Elderry, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to incorporate the Tuscumbia, Court-

land and Decatur Railroad Company; an act to authorize Thomas M'Daniel to collect toll on a bridge across Conecuh river, at the town of Montezuma; an act for the relief of William J. Price, of Jackson county; an act to alter the name of a certain town therein named; an act to revive and amend an act entitled an act to incorporate the Tuscumbia Academy, in Franklin county, approved January 20, 1826; an act to provide for the drawing of an additional number of jurors, and for compensating tales jurors in the counties of Perry and Greene; an act to authorize Jesse During and Philip Brothers to turnpike a road therein named; an act for the relief of George H. Flournoy, judge of the county court of Pickens county; an act to authorize the inhabitants of township seven, and range six, in Lawrence county, to sell and dispose of part of their sixteenth section in town lots; an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale; an act to provide for the payment of jurors in the county of Pickens; an act granting and releasing unto Mary Seiber certain real estate escheated to the State of Alabama; an act to change the time of holding the county courts of Madison and Lauderdale counties: all of which are signed by Mr President.

Mr Walthall, from the committee on inland navigation to whom was referred the bill entitled an act to distribute the interest of the three per cent fund among the different counties of this State, reported the same without amendment. Mr Barclay moved that the bill be read a third time. Mr Smith moved to lay the bill on the table until the first day of August next; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Conner Edmondson Hemphill Hogan Lawler Pickett Smith Walthall.

Those who voted in the negative are, messrs President Anderson Barclay Bridges Dupuy Erwin of G. M'Elderry Morton Powell Vining.

Mr Bridge moved to lay the bill on the table; which was carried. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Bridges Conner Edmondson Erwin of G. Hemphill Hogan Lawler Pickett Smith Walthall.

Those who voted in the negative are, messrs President Anderson Barclay Dupuy M'Elderry Morton Powell Vining.

Mr Erwin, from the committee on education to whom was referred the bill to be entitled an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh, reported the same with the following amendment, viz: To strike out all after the word "Johnson," where it occurs in the last place, and insert "and the Board of Trustees shall order the said tracts of land to be valued, and the said Boykin, Reeves and Johnson shall be entitled to enter the said tracts at such valuation, at any time within three months after such valuation shall be made and approved of by the Board of Trustees." Mr Smith moved to lay the bill on the table; which was lost. Yeas 6—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs Conner Dupuy Hogan Lawler Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Bridges Edmondson Erwin of G. Hemphill Irwin of H. M'Elderry Morton Pickett Powell Walthall.

Mr Hemphill moved that the bill be engrossed and read a third time to-morrow; which was so ordered.

Mr Erwin of G. from the committee of education to whom was referred the engrossed bill from the House of Representatives for the relief of William S. Hays, reported the same without amendment. Mr Erwin moved that the bill be read a third time on to-morrow; which was carried.



Mr Erwin, from the committee on education to whom was referred, a bill entitled an act better to secure the University fund, reported the same with an amendment, to strike out all after the enacting clause; which was concurred in, and on motion of Mr Morton, the bill was laid on the table.

Mr Erwin, from the committee on education to whom was referred a bill to be entitled an act to authorize the trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the nonpayment of the purchase money, reported the same with an amendment. Mr Morton moved to lay the bill, report and amendment on the table; which was carried.

Mr Hogan moved that Mr Smith be added to the bank committee; so ordered.

Mr Powell, from the committee on enrolled bills, reported as correctly enrolled the following bills, viz: An act for the relief of Winifred Jemison, wife of John Jemison; an act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range west of Huntsville, and for other purposes; an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river; an act to provide for the support of paupers in the county of Franklin; an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; an act to incorporate the Florence Bridge company; an act to authorize William B. Norris to erect a mill on the Cahaba river; an act to authorize Moses and Aaron Packer to establish a ferry across the Chatahoochie river; an act for the relief of the tax collector of Walker county.

The Senate refused to concur with the House of Representatives, in recommitting to the committee of conference the bill to be entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved 20th Jan. 1830, on the disagreement of the House to the amendments made by the Senate, to said bill.

Mr Bridges, from the committee on accounts to whom was referred the accounts of John M'Kinney, sheriff of Dale county, reported that the same were not chargeable to the State, and asked leave to be discharged from the further consideration of the same.

A bill to be entitled an act to authorize William Reed, guardian of John Stephens, to sell and convey certain real estate, was read and ordered to be engrossed for a third reading on to-morrow.

The Senate took up the additional rule for the government of the Senate; which was, on motion of Mr Hogan, laid on the table until the first day of next session; which was carried. Yeas 9—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Conner Edmondson Erwin of G. Hogan Irwin of H. Lawler Pickett Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Hemphill Morton Powell Walthall.

Engrossed bill to be entitled an act to authorize John Wilkes, administrator of Philip Wilkes, deceased, to make titles to certain tracts of land therein specified, was read a second time, and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to certain tracts of land therein specified; which was read a second time and ordered to a third reading on to-morrow.

Mr Irwin of H. from the military committee to whom was referred the bill to be entitled an act to amend an act to alter the times of holding company



courts martial and for other purposes, reported the same without amendment. Mr Powell moved to indefinitely postpone the bill; which was lost. Yeas 9, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Edmondson Erwin of G. Hogan Pickett Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Morton Walthall.

Mr Anderson moved to amend the bill by an additional section, giving an appeal from a battalion to a regimental court martial; which was adopted. Mr Hogan moved to amend the same by a proviso, excluding from the operation of the law certain counties therein named; which was carried. Mr Pickett moved further to amend the bill by precluding the defaulters, if musterable, from fines, provided they make affidavit that he was engaged at labor on the day of the muster at his usual avocations. Mr Abercrombie moved to amend mr Pickett's amendment by adding to the end of the same the words "ten hours on said day." Mr President moved to lay the bill on the table until the first day of July next; which was carried. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Edmondson Erwin of G. Hogan McElerry Pickett Powell Smith Vining and Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Conner Dupuy Hemphill Irwin of H. and Lawler.

Mr Barclay introduced a bill to be entitled an act to improve the navigation of Paint Rock river, in Jackson county; which was read, and the rule being suspended was read a second time and referred to the committee on inland navigation.

Mr Bridges introduced a bill to be entitled an act to attach to certain counties therein named the territory west of the Tombeckbee river; which was read, and the rule being suspended was read a second time and referred to a committee consisting of the Senators from the counties named in the bill.

Engrossed bill to be entitled an act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified, was read a third time and passed the Senate.

Engrossed bill entitled an act for the relief of James A. Thompson, late tax collector of Dallas county, was read a third time and passed the Senate.

Engrossed bill entitled an act to authorize the executors of Allen Riley, late of Antauga county, to sell the land which belonged to said decedent. Mr Pickett moved to amend the bill by adding thereto a third section; which was carried, read three times and passed. Mr Pickett moved to amend the title of the bill by adding the words "and for other purposes;" which was carried.

And then the Senate adjourned until 10 o'clock to-morrow.

*Friday, January 13, 1832.*—The Senate met pursuant to adjournment.

Mr Hogan, from the committee on the State Bank to whom was referred the resolution instructing them to inquire into the expediency of limiting the amount of interest purchased by the State Bank. reported that it was inexpedient to legislate on the subject at this time, and asked leave to be discharged from the further consideration of the same; which was concurred in. Mr Hogan, from the committee on the State Bank to whom was referred a bill to be entitled an act supplementary to the act entitled an act to establish a Bank in the city of Mobile, passed the 20th Nov. 1818, reported the same without amendment. Mr Hogan moved that the bill and report lie on the table; which was carried.

Mr Perry, from the judiciary committee to whom was referred a bill to be entitled an act to raise a revenue for the support of Government until other-

wise altered by law, passed 13th January, 1827, reported the same with amendments, viz: to strike out the word "fifty" where it occurs, and insert "one hundred;" which was concurred in also by an additional section to come in as section two ; which was concurred in, and ordered to a third reading on to-morrow.

Mr Perry, from the judiciary committee to whom was referred a bill entitled an act to define that which shall hereafter constitute a town to be liable to taxation as town property, reported the following amendment as a substitute for the bill, viz: strike out all after the enacting clause and insert the following, "that the lands, tenements and hereditaments, subject to taxation within this State, lying and being within the limits of any village or town, including the seat of justice of any county within this State, where lots have been laid off and sold, and all lots and villages or towns laid off by authority of the General Assembly of this State, and all incorporated cities and towns, shall alone be liable to taxation as town property;" which was concurred in and ordered to be engrossed for a third reading on to-morrow.

Mr Hogan, from State Bank committee to whom was referred the resolution to inquire into the expediency of reducing the salaries of the officers of the State Bank of Alabama, and if they are equal and just according to their several duties, and whether any reduction can be made in the salary of any officer, and also into the propriety of authorizing the board of directors to employ a watchman to guard the same during the night ; and whether there is a regular annual renewal of the bonds of the several officers of the Bank, reported a letter from the President as follows:

BANK OF THE STATE OF ALABAMA, *Tuscaloosa*, 29th Dec. 1831.

*To the Chairman of the committee in Senate, on the Bank of the State of Alabama:*

Sir: Your note of the 27th inst. requesting information in relation to the inquiries suggested in a resolution adopted by the Senate instructing the committee on the State Bank to "inquire if the salaries of the State Bank officers are proportioned to the several duties, and if a reduction in either can be properly made: and also, if the board of directors think it proper to employ a watchman to guard the Bank at night; and further if there is a regular annual renewal of bonds given by the several officers." I have received and laid the same before the board of directors, and they have instructed me to reply, that the salaries of the officers of this Bank, in proportion to their labours and responsibilities, are less than any other banking institution known to this board. It would be tedious and difficult in a communication like this, to enumerate these labours and responsibilities, or to compare them in detail with those in other Banks. One fact, however, may be safely assumed, that no Bank, the capital stock of which is not more than five times greater than this, opens so large a number of accounts; nor is there any in which the officers have less relaxation from labour, consequently no reduction in their salaries can be made, to harmonize with justice or equity. But in accordance with that divine injunction that, "the labourer is worthy of his hire," it is respectfully suggested the salaries be increased in some degree corresponding with the capital of the Bank, and the consequent increase of labour in all its different departments, so as to make the salaries of the different officers and servants of the institution stand thus, viz: President, \$1000 per annum, Cashier, 2000; Teller, 1500; Discount Clerk, 1200; Book-keeper, 1000. As your ideas in relation to an adequate compensation for labour or services of any kind are usually comparative and relative, we respectfully ask leave to communicate the accompanying documents marked A. B. C. and D. being letters from the cashiers of different Banks, showing the compensation allowed to the officers and servants of these institutions respectively.

In relation to the inquiry whether "the board of directors think it proper to employ a watchman to guard the Bank at night," we would remark that up to the present time, the necessity for employing a watch at Bank during the night has not appeared very evident, but it is easy to conceive a state of things in which it would be indispensable.

In relation to the last inquiry "if there is a regular annual renewal of the bonds given by the several officers," we would remark that the bond of the president is renewed annually, and that the bonds of the other officers are renewed only when required by the board of directors.

We would further respectfully represent, that for safety and convenience, it is ne-

cessary that the cashier should reside in the banking house, and that the present building used as a kitchen, is very destitute of the necessary requisites for comfort or convenience. A suitable building for that purpose, could, however, be constructed at an expense comparatively trifling, and such an one we would ask the authority to construct. All of which is respectfully submitted.

By order of the board.

JOHN L. TINDALL, Pres't.

A letter from Richard Booker, cashier of the Bank of Louisiana, to Daniel M. Riggs, shewing the salaries of its officers. A letter from John Sommerville, cashier of the Branch Bank of the United States at Nashville, to Daniel M. Riggs, shewing the salaries of the officers thereof. A communication from Wm. J. Ingersoll, cashier of the Mobile Bank, shewing the salaries of the officers thereof. A communication from George Poe, jr. cashier of the Branch Bank of the United States at Mobile, shewing the salaries of the officers thereof. Mr Hogan moved to lay the report and communications on the table; which was carried.

Mr Hogan, from the committee on the State Bank to whom was referred engrossed bill from the House of Representatives entitled an act to incorporate a bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, reported the same with sundry amendments, viz: In the sixth section and 2d line strike out the words "five hundred thousand," and insert "not exceeding one million;" which was concurred in. In the third line of the same section after the word "into" strike out "of fifty," and insert "one hundred." In the 7th section, eight line, strike out the word "three" and insert "twenty;" concurred in. In the eighth section strike out the word "three" and insert "twenty;" concurred in. In the ninth section strike out the word "shall" and insert "may." Amend the bill by striking out the tenth section; concurred in. In 12th section, first line, strike out the words "the whole" and insert the words "two hundred thousand dollars;" and in the seventh line strike out the words "six" and insert "thirteen;" and strike out in the eighth line the words "on the part of the individual stockholders;" all which was concurred in. In section 13, in seventh line, amend by striking out the word "ten" and insert "five." Section 14, amend by striking out the whole section; concurred in. In section 17 strike out the word "six," insert in lieu thereof "thirteen," and in the third line strike out the words "on the part of the individual stockholders;" concurred in. In section 23, last line, strike out the words "by him." Section 24, strike out, in the third line, the words "three times," and insert "double;" which was concurred in. Section 26, amend after the word "demand," in the seventh line, and insert "and every such bill, note, or obligation issued by said Bank, shall have the force and effect of an execution, and the holder or holders thereof may hand the same (after being first protested for non-payment) to any sheriff or constable, who shall levy the same on any property belonging to said corporation or any stockholder thereof;" which was concurred in. Section 34, strike out all; which was concurred in.—The committee further amend the bill by adding the following section, viz: "*And be it further enacted*, that the General Assembly shall have the right, at all times hereafter, of making such alterations and amendments to this act as may be deemed essential to the proper government and well being of said Bank;" which was concurred in. Mr M'Elderry moved to amend the twenty-second section by striking out "five," and inserting "seven." Mr Erwin of G. moved to insert "nine;" which was carried, and the amendment adopted. Mr Bridges moved to amend the first section by striking out "such place as may be determined on by a joint vote of both Houses of the General Assembly:" which was carried. Yeas 18—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Perry Pickett Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Hemphill Irwin of H. Morton.

Mr Erwin of G. moved to amend the 22d, by adding the following words to the end of the section: "and the dissent of any two directors present at the meeting of the board, shall be sufficient to prevent the discount of any bill or note;" which was concurred in. The bill was then read a third time. Mr Hogan moved to fill the blank in the first section with "the city of Mobile;" which was lost. Yeas 6—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs Bridges Erwin of G. Hogan Perry Smith Walthall.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Conner Edmondson Hemphill Irwin of H. Lawler M'Elderry Morton Pickett Powell Vining.

Mr Pickett moved to fill the blank with the town of Montgomery; which was carried. Yeas 17—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Perry Pickett Powell Smith Vining and Walthall.

Those who voted in the negative are, messrs Bridges Edmondson and Morton.

Mr Erwin of G. moved to lay the bill on the table until the first day of August next; which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Bridges Edmondson Erwin of G. Powell Smith Walthall.

Those who voted in the negative are, messrs President Abercrombie Anderson Conner Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Vining.

Mr President moved indefinitely to postpone the bill; which was lost.—Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Dupuy Edmondson Irwin of G. Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Conner Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett.

Mr Abercrombie moved that the bill be put upon its final passage; which was carried, and the bill rejected. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Conner Hemphill Irwin of H. Lawler M'Elderry Morton Perry Pickett.

Those who voted in the negative are, messrs President Barclay Bridges Dupuy Edmondson Erwin of G. Hogan Powell Smith Vining Walthall.

And the Senate adjourned until to-morrow 10 o'clock.

*Saturday, January 14, 1832.*—The Senate met pursuant to adjournment.

Mr Walthall, from the committee on inland navigation to whom was referred a bill to be entitled an act to improve the navigation of Paint Rock river, reported the same without amendment, and asked leave to be discharged from the further consideration of the subject; which was concurred in. Mr Hemphill moved to lay the bill on the table until the first day of June. Mr Barclay moved for a call of the House; which was not sustained. The question recurred on laying the bill on the table; which was carried. Yeas 9—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Dupuy Edmondson Hemphill Lawler M'Elderry Perry Pickett Walthall.

Those who voted in the negative are, messrs President Anderson Barclay Erwin of G. Irwin of H. Morton Vining.

Mr Walthall, from the same committee to whom was referred a bill to be entitled an act to improve the navigation of the Coosa river, and for other purposes, reported the same without amendment, and asked leave to be discharged from the further consideration of the subject; which was concurred in. Mr Walthall moved to lay the bill on the table. Mr Abercrombie moved a call of the House; which was sustained, and the bill laid on the table for one hour.

Mr Walthall, from the same committee to whom was referred the bill to be entitled an act to incorporate the Montgomery Railroad Company, reported the same with an amendment as follows, viz: "*Provided*, nothing contained in this act shall be considered as authorizing the company to lay claim to any land belonging to the United States over which the said road may run." Mr Abercrombie moved that the Senate disagree to the amendment of the committee. Mr Smith moved a call of the House; which was not sustained.—The Senate disagreed to the amendment. Mr Abercrombie moved that the bill be read; carried, and the bill passed the Senate. Yeas 19—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Perry Pickett Powell Vining Walthall.

Those who voted in the negative are, messrs Smith.

Mr Pickett, from the committee on propositions and grievances to whom was referred the account of John Lawler, reported a bill to be entitled an act for the relief of John Lawler, of Shelby county; which was read, and the constitutional rule suspended, and the bill read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Pickett introduced a bill to be entitled an act to amend an act authorizing the raising of three thousand dollars for the purpose of building a bridge across Shoal creek, approved the 7th January 1828; which was read, the constitutional rule suspended, and the bill read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Bridges, from the committee on accounts to whom was referred the account of John M'Kinney, sheriff of Dale county, for making return for election of major general, reported that they know of no law authorizing the payment of the same account by the State treasury, and asked leave to be discharged from the consideration of the same; carried. Mr Irwin of H. moved to lay the account on the table; carried.

Mr Bridges, from the committee of accounts and claims to whom was referred the account of John W. Price, for ironing Coleman Williams, a State prisoner, reported that the account was properly chargeable to the county of Montgomery, and asked leave to be discharged from the further consideration thereof; which was concurred in. Mr Pickett moved for leave to withdraw the account; which was granted.

Mr Erwin of G. from the judiciary committee to whom was referred a bill entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, reported the same without amendment; which was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Hogan, from the select committee to whom was referred a bill to be entitled an act to repeal in part an act for the government of gin-holders, passed 16th Nov. 1816, reported the same without amendment; which was ordered to be engrossed for a third reading on Monday next.

Mr Powell, from the select committee to whom was referred a bill to be entitled an act to add a part of the county of Tuscaloosa to the county of Fayette, reported the same without amendment; which was ordered to a third reading on Monday next.

Mr Hemphill introduced a bill to be entitled an act to repeal in part a certain act therein named; which was read, the rule suspended, and read a second and third time and passed the Senate. *Ordered*, that the title be as above.



Mr Hemphill introduced a bill to be entitled an act to compensate the petit jurors of the county of Conecuh; which was read, the constitutional rule suspended, and the bill read a second and third time and passed the Senate. *Ordered*, that the title be as above.

Mr Powell, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes; an act to prevent the introduction of slaves into Alabama, and for other purposes; an act to organize a separate supreme court; an act authorizing the judge of the county court of Montgomery county to grant permission to Robert J. Ware and others to make titles to certain lands therein named; an act to compensate the commissioners of revenue and roads of the counties therein named: all of which were signed by mr President.

The hour having elapsed, the bill relative to the navigation of the Coosa river was taken up, and laid on the table.

Mr Anderson moved to take from the table a bill to be entitled an act authorizing the Trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money. Mr Anderson moved to amend the same, and insert a substitute therefor. Mr Hogan moved to refer the bill and amendment to the judiciary committee; which was lost. Yeas 9—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Dupuy Edmondson Hogan Lawler M'Elderry Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Coopwood Erwin of G. Hemphill Irwin of H. Morton Walthall.

Mr Coopwood moved to strike out all after the enacting clause; which was carried. Mr Anderson moved the adoption of the amendment. Mr President moved to refer the bill and amendment to the judiciary committee; which was carried.

Mr Irwin of H. presented a memorial of the General Assembly of the State of Alabama to the Congress of the United State for the relief of William Williams and William Bush; which was read, and the constitutional rule being suspended, was read a second time forthwith and ordered to be engrossed for a third reading on Monday next.

Mr Abercrombie introduced a bill to be entitled an act to authorize the commissioners court of roads and revenue to grant private roads in certain cases; which was read a first time, the constitutional rule being suspended it was read a second and third time forthwith. Mr Hogan moved to amend the bill by striking out the first proviso; which was lost. Mr Bridges moved to amend the bill by striking therefrom the word "respectable," where it occurs in the first section of the bill; which was carried. Yeas 11—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, messrs President Barclay Bridges Coopwood Edmondson Erwin of G. Lawler M'Elderry Pickett Vining Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Morton Smith.

The rule being further suspended, the bill was read a third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Lawler presented joint resolutions on the subject of the public lands lying in this State; which was read a first time, the constitutional rule being suspended, they were read a second time forthwith and referred to a select committee composed of messrs Lawler, Bridges and Abercrombie.

The Senate then adjourned until 3 o'clock.



**The Senate met pursuant to adjournment.**

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill entitled an act to incorporate the Montgomery Volunteer Company, under the style of the Montgomery Huzzars; and a memorial to Congress for the relief of certain Creek Indians of mixed blood in our State: in both of which they request the concurrence of the Senate. They have also passed bills from the Senate of the following titles, to wit: an act to authorize and provide for the liquidation of the claims of Hiram P. Cochran; an act for the relief of Sarah A. Baker; an act to provide for the summoning of a jury to attend the county courts of the county of Marengo; and, an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties in this State, and for other purposes. The last of which they have amended as set forth in the bill: in which they request the concurrence of the Senate. They have concurred in the amendments of the Senate to the bills entitled an act to amend an act authorizing the sales of sixteenth sections, and for other purposes, passed January 13th, 1828; an act to limit actions against the securities of officers; an act to discontinue and establish certain election precincts therein specified: and the amendments of the Senate to the last mentioned bill they have amended as therein set forth: in which they request the concurrence of the Senate. They disagree to the amendments of the Senate to the bill entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all persons within one mile of the Huntsville road, living in Bibb county, to work on said road.

Engrossed bill from the House of Representatives, entitled an act to incorporate the Montgomery volunteer company, under the style of the Montgomery Huzzas, was read and ordered to a second reading on Monday next.

Engrossed memorial from the House of Representatives to Congress for the relief of certain Creek Indians of mixed blood within the State of Alabama.

Engrossed bill entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties in this State and for other purposes, as amended by the House of Representatives, was taken up. Mr Bridges moved that the Senate disagree to the amendments made to the bill by the House; which was concurred in.

Mr Perry offered the following resolution, viz: *Resolved*, that the Senate take up the message from the House of Representatives which contains the resolution proposing to go into the election of judges of the supreme court at seven o'clock this evening; which was carried. Mr Irwin of H. moved a call of the House, which was sustained, and the resolution laid on the table for one hour.

Engrossed bill to be entitled an act to discontinue and establish certain election precincts was taken up as amended by the House to the amendments made by the Senate. Mr Powell moved to disagree to the amendments made to the eighth section of the bill; which was carried. Mr Barclay moved to refer the bill to a special committee consisting of messrs Barclay Powell and Hogan.

Engrossed bill entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all persons in one mile of the Huntsville road, living in Bibb county, to work on said road, as amended by the Senate, and disagreed to by the House, was taken up. Mr Lawler moved they recede from their amendment to the bill; which was carried.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, viz: An act to change the names of certain persons therein named; an act to divide the twelfth regiment of the militia of this State; an act amendatory to an act passed 20th January, 1830, authorizing Nathaniel Clark to emancipate certain slaves therein named; an act to authorize the establishment of a road from Florence to the Tennessee line; an act authorizing William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate; an act to incorporate the Tennessee and Alabama Railroad Company; and, an act to incorporate the town of Larkinsville, in Jackson county, and town of Irwinton, in Pike county: in all of which they request the concurrence of the Senate. They have also passed bills from the Senate of the following titles, viz: an act to authorize a jury to be drawn for the county court of Lowndes county; an act to change a certain road therein named; an act to explain more fully a part of the county line between the counties of Bibb and Shelby; an act permanently to fix the seat of justice in the county of Wilcox; and, an act for the relief of William T. Rounsiville. The two last mentioned bills they have amended as set forth therein respectively: in which amendments they request the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act to change the names of certain persons therein named, was read, the constitutional rule being suspended, was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to divide the twelfth regiment of the militia of this State, was read the first time, and the constitutional rule being suspended, was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act, passed 20th January, 1830, authorizing Nathaniel Clarke to emancipate certain negroes therein named, was read a first time, the constitutional rule being suspended, was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to authorize the establishment of a road from Florence to the Tennessee line, was read a first time and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives entitled an act authorizing William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate, was read a first time, the constitutional rule being suspended, and was read a second and third time and passed the Senate. *Ordered*, that the title be as above and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to incorporate the Tennessee and Alabama Railroad company; which was read a first time, and the constitutional rule being suspended, was read a second time and referred to the committee on inland navigation.

Engrossed bill from the House of Representatives entitled an act to incorporate the town of Larkinsville, in Jackson county, and the town of Irwinton, in Pike county, was read a first time, and the constitutional rule being suspended, read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Bridges moved that the Senate concur in the amendments of the House

of Representative to the bill from the Senate entitled an act permanently to fix the seat of justice in the county Wilcox.

Mr Hogan moved that the Senate concur in the amendments made by the House of Representatives, to a bill from the Senate entitled an act for the relief of William T. Rounsiville; which was carried.

Mr Hogan, from the joint committee elected by the General Assemble to examine into the condition of the Bank of the State of Alabama, made the following report, viz:

The joint committee appointed by the General Assembly to examine into the condition of the Bank of the State of Alabama, have performed the duties assigned them, and respectfully report:—That the Bank continues to deserve the confidence of the people, and has realized the most sanguine expectations of its friends. At no time since the establishment of this institution, has it been able to exhibit so flattering a result as at the present moment. The paper marked A, is an exhibit of the condition of the Bank on the 10th instant, and shows the result of its operations since the 18th December, 1830. By this statement the Bank is charged with the sum of [\$528,699, now in circulation. \* The Bank possesses \$140,028 of notes of solvent Banks, most of which is in the paper of the United States' Bank. There is also due from other solvent Banks, the sum of] \$64,041 35. The Bank possesses in bills of exchange, the enormous sum of \$1,103,265 17, nearly the whole of which falls due on or about the first April next. They have also on hand the sum of \$218,771 22, in notes of solvent persons, including \$42,000 loaned the University, most of which, by the rule of the Bank, will be taken up in a very short time, by cash or bill of exchange. The difference in the state of the Bank since last report, is as follows, viz: There is \$155,596 less of the notes of this Bank in circulation; also \$211,110 less in notes of hand.— There is also \$346,296 84 more of bills of exchange. There is not as much due this Bank from other Banks by \$131,224 59. The capital of the Bank has increased \$143,955 28. There is \$64,719 52 more in specie. There is \$4,649 less bad debts, and \$4,164 less doubtful debts; and the Bank has realized the sum of \$101,589 51 profit. The paper marked B, is an exhibit of the bad and doubtful debts. The paper marked C, is a statement of the capital stock, shewing the items of which it is composed. The paper marked D, is a statement of the amount of notes discounted for each county within the last year. Your committee deem it proper to report the amount of blank paper on hand. There is now of post-notes 1288, single impressed; of sheets of four notes each, of the denomination of Fiftys and Hundreds, 202 impressions; of Tens and Twentys, 7704 impressions; of Fives and Fives, 12,006 impressions; of Ones, Ones, Twos and Threes, 17,942 impressions. The difference between this report and last year's, is accounted for by the new issues. There is one item in statement A, which may require explanation. It is the sum of \$134,060 59 to the credit of individual depositors. It is composed of moneys to the credit of the State Treasurer, agent of the University, and a very considerable amount to be applied to the payment of notes falling due about this time; and a small amount to the credit of merchants and others of this place.

It may not be amiss to state, that the sums of \$202,473 13, Tennessee canal fund; \$19,031 16 interest on the three per cent fund; as well as \$40,425 school fund, may be considered as a permanent deposite.

The same good feeling still exists between the Branch Bank of the United States and this institution; and has been very beneficial to both.

Your committee cannot close this report, without bearing testimony to the zeal and ability of the several officers of the Bank; and more particularly in the prompt and able manner with which the Cashier afforded them every facility to enable your committee to discharge the arduous duties assigned them. All of which is respectfully submitted.

JOHN B. HOGAN, WM. EDMONDSON, RICH'D. B. WALTHALL,

*Committee on the part of the Senate.*

DAVID HUBBARD, ISAAC H. ERWIN, JOHN WATKINS,

*Committee on the part of the House of Representatives.*

[ A. ] *An exhibit of the condition of the Bank of the State of Alabama, on the 10th January, 1832: Also shewing the result of its operations since the 18th December, 1830.*

Capital stock.....	\$739,458 50 $\frac{3}{4}$	Due on notes discounted	\$218,771 22
Notes of the Bank in circulation	528,699 00	“ Bills exch. purchased	1,103,205 17
Due individual depositors....	134,060 59	Banking house at Cah. cost	1,075 92
“ Internal improvement fund	202,473 13	do. do. and lot, Tus. “	8,873 57
“ President and Directors		Bank furniture.....	827 62

Board internal improve. 19,031 19  
 " Common school fund..... 40,425 02½  
 Received as partial payments  
 on judgments..... 14,443 71  
 Balance of profits at last  
 report..... \$6,446 37  
 Total profits since  
 18th Dec. 1830, 101,589 51  
 \_\_\_\_\_ 108,035 88

\_\_\_\_\_ \$1,786,627 00

Due from solvent Banks in  
 account.... \$64,041 35  
 Notes of solvent  
 Banks on hand 140,023 00  
 Specie..... 163,118 40  
 \_\_\_\_\_ 367,182 75  
 Paid dividends and interest  
 on the 9th of Nov. last,  
 to the different funds com-  
 posing the capital..... 80,256 36  
 Current expense paid since  
 18th Dec. 1830..... 6,454 39  
 \_\_\_\_\_ \$1,786,627 00

DANIEL M. RIGGS, *Cashier.*

BANK OF THE STATE OF ALABAMA, Tuscaloosa, January 10, 1832.

[ B. ] *Statement shewing the amount of Bad and Doubtful Debts due to the Bank.*

Bibb county, \$520 bad; Conecuh do. 420 bad; Greene do. 730 bad; Jackson do. 5,270 bad; Jefferson do. 1,210 bad 726 doubtful; Lawrence do. 1,891 bad; Limestone do. 1,600 bad; Morgan do. 176 doubtful; Madison do. 175 bad; Marengo do. 380 doubtful; Shelby do. 250 doubtful; Washington do. 211 bad; Wilcox do. 375 doubtful. Total, \$12,017 bad; \$1,901 doubtful.

[ C. ] *CAPITAL STOCK.*

	1825.	1832.
State Loan.....	\$100,000	\$200,000 00
University fund.....	56,612	175,127 83½
Three per cent fund.....	31,597	111,510 14
Seat of Government fund.....	37,860	
Revenue fund.....	27,576	252,820 53½
	_____ \$253,645	_____ \$739,458 50½

[ D. ] *Statement shewing the amount of accommodation on Notes to each County in this State, for the year 1831, including balances unpaid at the close of the year 1830.*

	Brought forward	\$528,803 22
Autauga.....	\$45,625 00	Monroe..... 22,765 00
Baldwin..... 7,300 00	Madison..... 83,076 00	
Bibb..... 26,253 00	Montgomery..... 53,450 00	
Butler..... 13,662 00	Marion..... 17,945 00	
Blount..... 8,150 00	Marengo..... 22,740 00	
Conecuh..... 23,977 22	Mobile..... 33,860 00	
Clarke..... 13,792 00	Morgan..... 46,275 00	
Dallas..... 58,421 00	Pike ..... 25,747 00	
Franklin..... 47,430 00	Perry..... 49,965 00	
Fayette..... 13,515 00	Pickens..... 14,164 00	
Greene..... 56,998 00	St Clair..... 21,723 00	
Henry..... 1,640 00	Shelby.... 22,950 00	
Jackson.... 27,250 00	Tuscaloosa, including \$42,000	
Jefferson..... 30,884 00	loaned to University..... 156,470 00	
Lawrence ..... 59,366 00	Wilcox..... 35,037 00	
Limestone..... 53,640 00	Washington..... 15,261 00	
Lauderdale..... 40,900 00		
	_____ \$1,160,233 22	
Carried forward	\$528,803 22	

DANIEL M. RIGGS, *Cashier.*

BANK OF THE STATE OF ALABAMA, Tuscaloosa, January 10, 1832.

Mr Walthall moved to lay the report on the table and that five hundred copies be printed; which was concurred in.

Mr Perry, from the committee to whom was referred the petition of Thomas Smith, praying the emancipation of certain slaves, asked leave to be discharged from the further consideration thereof; which was granted.

A message from the House of Representatives by mr T. Nixon Van Dyke :  
 Mr President—The House of Representatives have passed bills from the Senate of the following titles, viz: An act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of

measurers; an act altering the time of opening and closing the poles of elections in the city and county of Mobile. They have also passed bills of the following titles, to wit: An act to allow compensation to petit jurors for the county of Conecuh; and an act to discontinue and establish certain election precincts therein specified: in both of which they request the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act to allow compensation to petit jurors in the county of Conecuh, was read a first time, the constitutional rule being suspended, read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Hemphill moved to reconsider the vote taken this day on a bill which passed the Senate, similar title to the preceding bill from the House of Representative; the vote was reconsidered and laid on the table.

Engrossed bill from the House of Representatives entitled an act to discontinue and establish certain election precincts therein specified; read a first time and ordered to a second reading on Monday next.

A message from his Excellency the Governor, by James I. Thornton, Esq.

*Secretary of State's Office, January 14, 1832.*

Mr President:—I am requested by the Governor to inform your honorable body, that he did on the 12th instant, approve and sign the following bills: An act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company; an act to authorize Thomas M'Daniel to collect toll on a bridge across the Conecuh river, at the town of Montezuma; an act for the relief of Wm. J. Price, of Jackson county; an act to alter the name of a certain person therein named; an act to revive and amend an act entitled an act to incorporate the trustees to the Tuscumbia Academy, in Franklin county, approved January 13th, 1826; an act to provide for the drawing an additional number of jurors, and for compensating tales jurors, in the counties of Greene and Perry; an act granting and releasing to Mary Sehier real estate escheated to the State of Alabama; an act to change the time of holding the county courts of Madison and Lauderdale counties; an act for the relief of the tax collector of Walker county; an act to authorize Jesse Daring and Philip Brothers to turnpike a road therein mentioned; an act to provide for the payment of jurors in the county of Pickens; an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale; an act to authorize the inhabitants of township seven and range six, in Lawrence county, to sell and dispose of part of their sixteenth section in town lots; and an act for the relief of George H. Flournoy, judge of the county court of Pickens county; all of which originated in the Senate.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed the bill from the Senate entitled an act concerning the registration of deeds and conveyances.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, viz: An act to change the time of holding courts in the first judicial district; an act to repeal in part an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, approved January 13th, 1831; an act to authorize Cornelius Rain to establish a turnpike road; an act for the relief Thomas of Childs and others; an act defining the extent of William H. Ragsdale's turnpike privileges, and providing suitable penalties for the abuses thereof, and an act to provide for taking the census of the State of Alabama: in all of which they request the concurrence of the Senate.



They have also passed bills from the Senate of the following titles: An act to authorize James Doran to emancipate certain slaves therein named; an act to in part to repeal an act to incorporate the town of Carrollton in Pickens, and Fayetteville in the county of Fayette, and for other purposes, approved 15th January, 1831, and have amended the same as set forth in the bills, in which they request the concurrence of the Senate. They have also adopted the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate the two Houses will assemble in the Hall of the House of Representatives this evening at the hour of 7 o'clock, P. M. for the purpose electing three judges of the supreme court.

Engrossed bill from the House of Representatives entitled an act to change the time of holding courts in the first judicial circuit, read first and second time and ordered to a third reading on Monday next.

Engrossed bill from the House of Representatives entitled an act to repeal in part an act authorizing a jury to be drawn to attend the county court of certain counties, and for other purposes, read first time and ordered to a second reading on Monday next.

Engrossed bill from House of Representatives entitled an act to authorize Cornelius Rain to establish a turnpike road, read first time and ordered to a second reading on Monday next.

Engrossed bill from House of Representatives entitled an act for the relief of Thomas Childs and others, read first time and ordered to second reading on Monday next.

Engrossed bill from the House of Representatives entitled an act defining the extent of William H Ragsdale's turnpike privileges, and providing suitable penalties for the abuse thereof, read first and second time and referred to judiciary committee.

Engrossed bill from the House of Representatives entitled an act to provide for taking the census of the State of Alabama, read first time and laid on table.

Engrossed bill to be entitled an act to authorize James Doran to emancipate certain slaves therein named, as amended by the House of Representatives was taken up. Mr Erwin of G. being in the chair mr President moved that the Senate concur in the amendments made by the House; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Edmondson Erwin of G. Hemphill Hogan Lawler Pickett Walthall.

Those who voted in the negative are, messrs Anderson Barclay Bridges Coopwood Dupuy Irwin of H. M'Elerry Morton Perry Powel Smith Vining.

Engrossed bill to be entitled an act to incorporate the town of Carrollton in the county of Pickens, and Fayetteville in the county of Fayette, and for other purposes as amended by the House of Representatives; in which amendment the Senate concurred in.

The hour having elapsed, the Senate then took up the resolution from the House of Representatives: *Resolved*, that with the concurrence of the Sanate the two Houses will assemble in the Representative Hall of the House of Representatives this evening at the hour of 7 o'clock, P. M. for the purpose of electing the judges of three supreme court. Mr Erwin of G. in the chair, mr President moved to lay the resolution on the table; which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Dupuy Edmondson Hogan Irwin of H. M'Elerry.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Bridges Coopwood Erwin of G. Hemphill Lawler Morton Perry Pickett Powell Smith Vining Walthall.



Mr Morton moved that the Senate concur in the resolution; which carried.

Mr Hemphill moved to take from the table the resolution of the House of Representatives: *Resolved*, with the concurrence of the Senate, the two Houses will assemble in the Representative Hall to-morrow at 12 o'clock for the purpose of electing a judge of the county court of Monroe county; which was carried. Yeas 15—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Conner Coopwood Dupuy Hemphill Irwin of H. Lawler Morton Perry Powell Vining Walthall.

Those who voted in the negative are, messrs Barclay Bridges Edmondson Erwin G. Hogan Pickett Smith.

Mr Smith moved to amend the resolution by striking out the words "to-morrow at 12 o'clock, and insert in lieu thereof the words, "Thursday next at half past 3 o'clock." Mr President moved to concur in the resolution as amended; which was carried.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, to wit: An act to increase the number of jurors to attend the circuit courts in the county of Wilcox; an act to repeal in part a certain act therein named; an act for the relief of Catharine C. Craig, lately Catharine C. Bryan. In all of which they request the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act to increase the number of jurors to attend the circuit courts of the county of Wilcox, read first time and ordered to a second reading on Monday next.

Mr Anderson moved to adjourn until 7 o'clock; which was lost.

Engrossed bill from the House of Representatives entitled an act to repeal in part a certain act therein named, read first time, the constitutional rule being suspended, read second and third time forthwith and passed the Senate. *Ordered*, the title be as above, and that the secretary acquaint the House thereof.

Mr Hemphill moved to reconsider the vote taken this day on a bill which passed the Senate to be entitled an act to repeal in part a certain act therein named; which was reconsidered and ordered to lie on the table.

Engrossed bill from the House of Representatives entitled an act for the relief of Catharine C. Craig, lately Catharine C. Bryan, read the first time, constitutional rule being suspended read second and third time forthwith and passed the Senate. *Ordered*, the title be as above, and that the secretary inform the House thereof.

The Senate then adjourned until 7 o'clock.

*Seven o'clock.*—Senate met pursuant to adjournment.

Engrossed bill for the relief of William J. Hays, read a third time, on motion of Mr Lawler was laid on the table.

Message from the House of Representatives by Mr T. B. Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House is ready to receive them in their Hall for the purpose of electing three judges of the supreme court of the State of Alabama.

Whereupon the Senate repaired to the Hall of the House of Representatives, were seated, Mr President announced the object of their meeting, and the two Houses proceeded to the election of three judges of the supreme court of State of Alabama.

Abner S. Lipscomb, Reuben Saffold, John M. Taylor, Andrew Crenshaw, and John J. Ormond, being in nomination. For Mr Lipscomb, 86; for Mr Saffold, 82; for Mr Taylor, 71; for Mr Crenshaw, 26; for Mr Ormond, 10.

Those who voted for Mr Lipscomb are, Messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Powell Smith Vining Walthall. Reps Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Carroll Cook Craig Deilet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goynes Goodwin Hall of B. Hall of A. Harris Hays Herbert Hickman Hubbard Johnson Keener Kilpatrick King of M. King of P. Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Watkins Wilkinsen.

Those who voted for Mr Saffold are, messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Powell Smith Vining Walthall. Reps. Messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Deilet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of B. Hall of A. Harris Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lockhart Loyd M'Afee M'Collum M'Kinley Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Swink Snedcor Stephens Tarrant Terrell Walker Watkins, Wilkinsen.

Those who voted for Mr Tayler are, messrs Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hogan Irwin of H. Lawler M'Elderry Morton Pickett Powell Smith Vining Walthall. Reps. Abernathy Acklen Augustus Boyd Brodnax Campbell Carroll Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goynes Hall of A. Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Kilpatrick King of M. King of P. Lane Loyd M'Afee M'Collum M'Kinley M'Rae M'Vay Moffett Musgrove Nabors Norwood Oliver of C. Payne Peete Philpott Rather Riddle Saunders of L. Shearer Swink Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinsen.

Those who voted for Mr Crenshaw are, messrs President Abercrombie Anderson Hemphill Irwin of H. Perry. Reps. messrs Baker Cook Craig Goodwin Herbert Hollis Keener Lockhart Moore Oliver of M. Paul Ross Rugely Saunders of D. Shearer Snedcor Toulmin Walker Ward.

Those who voted for Mr Ormond are, messrs President Edmondson. Reps. messrs Speaker Abernathy Campbell Craig Lane M'Rae M'Vay Ward.

Mr President voted for Mr Henry Hitchcock.

Mr Speaker declared Mr Lipscomb, Mr Saffold and Mr Taylor, duly elected judges of the supreme court of the State of Alabama.

The Senate then withdrew to the Senate Chamber. Mr President resumed his chair.

And then the Senate adjourned until 10 o'clock on Monday morning.

*Monday, Jan. 16, 1832.*—The Senate met pursuant to adjournment.

Mr Hogan from committee on State Bank to whom was referred a resolution inquiring into the expediency of curtailing costs on bills of exchange, reported a bill to be entitled an act to prevent unnecessary cost on bill of exchange, purchased by the Bank of the State of Alabama from and after the first day of September next; which was read a first time, the constitutional rule being suspended was read a second time and referred to the committee on the judiciary.

Mr Barclay, from the select committee to whom was referred the engrossed bill entitled an act to discontinue and establish certain election precincts therein specified, with the amendments of the House of Representatives to the amendments of the Senate, reported the same without amendment. Mr Hogan moved that the Senate insist on the amendment made by the Senate to the second section of the bill; which was carried. Mr Hogan moved that the Senate concur in the amendments made by the House of Representatives striking out the seventh section of the bill.

Mr Powell moved to reconsider the vote which was taken on Saturday, in which the Senate disagreed to the amendments made by the House of Representatives to the eighth section of the bill; which was reconsidered. Mr Powell then moved that the Senate concur in the amendments of the House of Rep-

representatives to the eighth section ; which was carried. Mr Barclay moved that the Senate concur in the amendments made by the House of Representatives in the fourth section of the bill ; which was carried.

Mr Erwin of G. from the select committee to whom was referred a bill to be entitled an act to attach to certain counties therein named the territory west of the Tombeckbee river, reported the same without amendment. Mr Erwin of G. moved to amend the sixth section of the bill by striking therefrom the words "of full blood;" which was carried. Mr Bridges moved that the bill be read a third time ; which was read and passed the Senate. Yeas 17—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Dupuy Edmondson Hemphill Hogan Lawler M'Elderry Morton Pickett Powell Smith Vining.

Those who voted in the negative are, messrs Coopwood Erwin of G. Irwin of H. Walthall.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Smith introduced a bill to be entitled an act supplementary to an act to organize a separate supreme court, passed 14th January 1832 ; which was read first time, the constitutional rule being suspended, was read second time forthwith. Mr Hogan moved to amend the second section of the bill by inserting the word "forthwith" before the words "supreme court;" which was carried, the rule being further suspended the bill was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary inform the House thereof.

Mr Bridges moved to take from the table an engrossed bill to be entitled an act to provide for taking the census of the State of Alabama ; which was read a second time and referred to the judiciary committee.

Mr Walthall, from the committee on inland navigation to whom was referred engrossed bill from the House of Representatives entitled an act to incorporate the Tennessee and Alabama Railroad Company, reported the same without amendment. Mr Hogan moved to strike from the bill the twentieth section ; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Conner Edmondson Erwin of G. Hogan Lawler M'Elderry Smith Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Barclay Coopwood Dupuy Hemphill Irwin of H. Morton Pickett Powell Walthall.

Mr Lawler offered an amendment by way of proviso, giving to the State the right, if she might choose to receive it, of improving the Coosa river ; which was adopted. Mr Coopwood moved to amend the first section by inserting sundry names ; which was carried. Mr Walthall moved to amend further by inserting an additional number of names: carried. Mr Hogan moved to fill the blank with the words "not exceeding three;" which was carried. The bill then passed the Senate. Yeas 16—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Pickett Smith Vining.

Those who voted in the negative are, messrs Bridges Walthall.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Lawler introduced a bill to be entitled an act to incorporate the town of Centreville, in Bibb county ; which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Erwin of G. introduced a bill to be entitled an act to revive, repeal in part and amend an act entitled an act to incorporate the town of Greensborough, in the county of Greene, approved Dec. 24th, 1823; which was read, and the constitutional rule being suspended was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Lawler introduced a bill entitled an act for the relief of James Moore and William White, of Bibb county; which was read, and the constitutional rule being suspended, was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Hogan introduced a bill to be entitled an act to regulate the compensation of the several officers of the Bank of the State of Alabama; which was read, and the rule being suspended was read a second time and referred to the judiciary committee.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill of the following title, viz: an act for the relief of the inhabitants of the fourth township of the eleventh range, west, in which they ask the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act for the relief of the inhabitants of the fourth township of the eleventh range; which was read, and the constitutional rule being suspended was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A message from the Governor by James I. Thornton, Esq.

EXECUTIVE DEPARTMENT, Jan. 16, 1832.

*To the Senate and House of Representatives:*

I have to inform the General Assembly, that the Hon. A. S. Lipscomb, R. Saffold and John M. Taylor, having been elected to the bench of the supreme court, have accepted their appointments, and have resigned their offices of judges of the circuit court. John J. Winston, has also resigned his commission as a member of the board of internal improvement.

JOHN GAYLE.

Mr Smith moved to take from the table a bill to be entitled an act for the relief of William S. Hays. Mr Lawler moved to amend the bill by adding at the end of the proviso the words "per acre;" which was lost. The bill then passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Anderson introduced a bill to be entitled an act to alter the time of holding the circuit courts in the counties therein named; which was read, and the constitutional rule being suspended was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

The Senate then proceeded to the orders of the day.

Engrossed bill to be entitled an act to authorize John Wilkes, administrator of Philip Wilkes, dec'd. to make titles to certain tracts of lands therein specified, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to certain tracts of lands therein specified, was read a third time and passed. *Ordered*, that the title be as above.

Engrossed bill to be entitled an act for the relief of Francis Boykin Thomas Boykin, Thomas Reeves and Caleb Johnson, purchasers of the University lands in the county of Conecuh, was taken up, and after some time spent in consideration thereof,

The Senate adjourned till half past 3 o'clock. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barclay Bridges Coopwood Edmondson Hogan Irwin of H. Lawler Morton Powell Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Erwin of G. Hemphill M'Elderry Perry Pickett Walthall.

*Half past three o'clock.*—The Senate met pursuant to adjournment.

Resumed the consideration of the bill for the relief of Boykin and others; which passed the Senate. Yeas 15—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Irwin of H. M'Elderry Morton Perry Walthall.

Those who voted in the negative are, messrs Dupuy Hogan Lawler Powell Smith Vining.

Engrossed bill to be entitled an act to authorize William Read, of Perry county, guardian of John Stephens, to sell and convey certain real estate, was read a third time and passed the Senate.

Engrossed bill from the House of Representatives to be entitled an act to amend an act entitled an act to raise a revenue for the support of government, was read a third time. Mr Bridges moved to amend the bill by way of engrossed rider, by inserting the words "or other merchandise" after the word "clock;" which was lost. Mr Abercrombie moved to refer the bill to a special committee with instructions to fix the tax on all peddlers at one hundred dollars; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Bridges Conner Dupuy Irwin of H. Pickett Vining.

Those who voted in the negative are, messrs Anderson Barclay Coopwood Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Powell Smith Walthall.

The bill then passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr M'Elderry, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit: An act to provide for the summoning of a jury to attend the county court of Marengo; an act for the relief of William T. Rounsiville; an act to authorize a jury to be drawn for the county court of Lowndes county; an act altering the time of opening and closing the polls of elections in the city and county of Mobile; an act concerning the registration of deeds and conveyances; an act to change a certain road therein named; an act to explain more fully the county line between the counties of Bibb and Shelby; an act to provide for the liquidation of the claims of Hiram P. Cochran; an act to repeal in part an act to incorporate the town of Carrollton, in Pickens county, and Fayetteville, in the county of Fayette, and for other purposes, approved 15th January, 1831: which were signed by Mr President.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill from the Senate entitled an act supplementary to an act entitled an act to organize a separate supreme court, passed 14th January, 1832.

Engrossed bill to be entitled an act to define what shall hereafter constitute a town to be liable to taxation as town property. Mr Smith moved to refer the bill to a special committee with instructions to strike from the bill all towns subject to taxation, except incorporated towns; which was carried—committee messrs Smith, Bridges and Anderson.

Engrossed bill from the House of Representatives entitled an act to incorporate the Montgomery Volunteer Company, under the title of the Montgomery Huzzars, was read a second time, the constitutional rule being suspended, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.



Engrossed memorial to Congress for the relief of certain Creek Indians of mixed blood within the State of Alabama, was read a second time, and the rule being suspended, was read a third time and passed the Senate. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Edmondson Erwin of G. Hogan Irwin of H. Lawler Morton Perry Pickett Powell Smith Vining Walthall.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Hemphill M'Elderry.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Bridges, from the committee on enrolled bills, reported as correctly enrolled, an act supplementary to an act entitled an act to organize a separate supreme court: which was signed by mr President.

Mr Erwin of G. from the judiciary committee to whom was referred the bill and amendment to the bill entitled an act to authorize the trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money, reported the bill and amendment thereto back to the Senate, with the following amendments to the amendment, proposed as a substitute to the bill, viz: Strike out the words "and the northeast quarter of 15 township, 4 range, 11 west." Strike out the words "under this," and insert "shall within thirty days after the passage of this." Insert before the word "deed," where it first occurs, "a good and valid;" which were concurred in by the Senate, and the amendment as amended was adopted. Mr Perry moved to amend the title by striking out all after the word "act," and insert the following: "to declare free from forfeiture certain lands therein named, and for other purposes;" which was carried. Mr Morton moved that the bill be read forthwith a third time; which was carried, and the bill passed the Senate. *Ordered*, that the secretary acquaint the House therewith.

And the Senate then adjourned until 10 o'clock to-morrow morning.

*Tuesday, Jan. 17, 1832.*—The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to whom was referred the petition of sundry citizens of Montgomery county, asking the General Assembly to make void the sale of the sixteenth section in township sixteen, range twenty, made by Joseph Frith and Charles M'Dade, commissioners appointed to sell the same, reported that the committee were well satisfied with the illegality of the sale of the sixteenth section, and of the deep fraud in making the same. Nevertheless they are not aware that any power exists in the Legislature to declare said sale void, or to set aside the same; but there is ample power in the judicial tribunals of the country to avoid and annul the said sale; which report was concurred in and laid upon the table.

Mr Perry, from the judiciary committee to whom was referred a bill to be entitled an act to regulate the compensation of the several officers of the Bank of the State of Alabama, reported the same without amendment. Mr Perry moved to strike from the bill the salary of the discount clerk; which was lost. Mr Morton moved to lay the bill on the table until the first of August. Yeas 7—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Abercrombie Bridges Hemphill Lawler M'Elderry Morton.

Those who voted in the negative are, messrs Barclay Conner Coopwood Edmondson Hogan Irwin of H. Perry Pickett Powell Smith Vining.

Mr M'Elderry moved to refer the bill to the committee on the State Bank; which was carried.

Mr Anderson, from the judiciary committee to whom was referred a bill to



be entitled an act defining the extent of William H. Ragsdale's turnpike privileges, and providing suitable penalties for the abuse thereof, report that they have no authority to legislate upon the subject; which was concurred in.

Mr Anderson presented the memorial of William H. Ragsdale; which was read and laid on the table.

Mr Anderson moved to reconsider the vote just taken on the report of the committee in relation to William H. Ragsdale's turupike privileges; which was lost. Yeas 9—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Conner M'Elderry Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Barclay Bridges Coopwood Dupuy Edmondson Hemphill Lawler Morton Pickett.

Mr Powell moved to take from the table the report of the committee on claims and accounts on the claim of Elias Jenkins, and that the same be re-committed to the committee on accounts and claims; which was carried.

A message from the Governor by James I. Thornton, Esq:

*January 17th, 1832.*—Mr President—I am requested by the Governor to inform your honorable body that he did this day approve and sign an act supplementary to an act entitled an act to organize a separate supreme court, passed 14th January, 1832, originating in the Senate.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed bills in which they request the concurrence of the Senate, of the following titles, viz: An act supplementary to an act to establish a turnpike road therein mentioned, approved Jan. 7, 1830; an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock, in said county: in which they request the concurrence of the Senate. They have also passed a bill from Senate entitled an act to authorize the commissioners court of roads and revenue to grant private ways in certain cases. They concur in the amendments of the Senate to the bill entitled an act to incorporate the Tennessee and Alabama Railroad Company. They also concur in the amendments of the Senate to their resolution proposing to go into the election of a judge of the county court of Monroe county. They recede from their amendment to the bill from the Senate entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties in this State, and for other purposes.

Engrossed bill from the House of Representatives entitled an act supplementary to an act to establish a turnpike road therein named, approved Jan. 7th, 1830, read first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock, in said county, read first time and ordered to a second reading on to-morrow.

Mr Hogan, from the committee on the State Bank to whom was referred the resolution protesting against a location of a Branch of the Bank of the United States in this State, reported the same without amendment. Mr Coopwood moved that they be made the order of the day for a third reading on to-morrow. Mr Irwin of H. moved a call of the House; which was sustained, and the resolution laid on the table for one hour.

Engrossed bill to be entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of county court of this State, and for other purposes, as amended by the House, was taken up, and on motion of mr Erwin of G. was laid on the table.

Mr Smith, from the select committee to whom was referred a bill to be entitled an act to define that which shall hereafter constitute a town to be liable

to taxation as town property, reported the same with amendments, excluding from taxation all towns but such as are incorporated. Mr Hogan moved indefinitely to postpone the bill; which was carried.

Mr Anderson introduced a bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830; which was read a first time, the rule being suspended, was read a second and third times and passed the Senate. Yeas 18—Nays.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Powell Vining Walthall.

*Ordered*, that the title be as above, and that the secretary acquaint the House of the same.

Mr Erwin of G. introduced a bill to be entitled an act to authorize the judges of the supreme court of the State of Alabama, to appoint a suitable person to attend on said court. Mr Erwin of G. moved to suspend the rule; which was carried, and the bill read a second time. Mr Powell moved to lay the bill on the table until the first day of August next; which was carried. Yeas 16—nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Barclay Bridges Conner Coopwood Edmondson Hemphill Irwin of H. Lawler Morton Pickett Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Erwin of G. Hogan M'Elderry.

Mr Morton introduced a joint resolution appointing commissioners to adjust and settle claims of the trustees of the University, against certain persons for lands which have been forfeited to said trustees; which was read, the rule being suspended, read a second time and referred to the committee on education. Suspending the rule. Yeas 17—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Powell Vining Walthall.

Those who voted in the negative are, mr Smith.

The hour having elapsed the resolution relative to the United States' Bank was taken up, on mr Coopwood's motion to order the resolution to a third reading; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Coopwood Hemphill Lawler Irwin of H. Morton Perry Powell Walthall.

Those who voted in the negative are, messrs President Anderson Barclay Bridges Conner Edmondson Erwin of G. Hogan M'Elderry Pickett Smith Vining.

The Senate then adjourned until 3 o'clock.

*Three o'clock*,—The Senate met pursuant to adjournment.

Engrossed bill to be entitled an act to add a part of Tuscaloosa county to the county of Fayette, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to authorize the establishment of a road from Florence to the Tennessee line. Mr Walthall moved to amend the first section of the bill by inserting the words "at a point not exceeding two miles from;" which was adopted: the constitutional rule being suspended, the bill was read a third time and passed the Senate.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed memorial of the General Assembly of the State of Alabama, to the Congress of the United States, for the relief of William Williams and William Bush; which was read a third time and passed the Senate.

Engrossed bill to be entitled an act to discontinue and establish certain election precincts therein specified; which was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to change the time of holding courts in the first judicial circuit. Mr Hogan moved to strike out the second section; which was carried. Mr Smith moved to refer the bill to a special committee; which was carried: whereupon Mr President appointed messrs Smith, Erwin of G. and Hogan.

Mr Vining moved to reconsider the vote which was taken this day on the bill establishing certain election precincts; which was reconsidered. Mr Vining moved to amend the bill by an additional section as section 3; which was adopted. Mr Coopwood moved further to amend the bill by adding thereto another section, as section 4; which was adopted, and the bill ordered to a third reading on to-morrow.

Mr Bridges, from the committee on State printing to whom was referred a resolution instructing them to inquire into the payment made to the State printer, of a sum of eight hundred and fifty-six dollars thirty-seven and a half cents, for extra printing done for the State, and ascertain and report whether the State printer is not bound by law, to do all the printing required by the State for which he receives an annual salary of twenty-five hundred dollars, reported that the above resolution was adopted in consequence of an omission in the report of the comptroller, to state specifically to whom and for what purpose the sum of \$856 37 cents was paid, from which omission an inference might be drawn that it was paid to the State printer for extra printing. The facts however shew that this sum of \$856 37, was paid to the several editors in this State, for publishing the joint resolutions, proposing amendments to the constitution, and not to the State printer. Agreeable to the last inquiry directed by the resolution, your committee are of opinion that the State printer is bound to do all the printing necessarily required to be done by the action of the State government, and without any compensation in addition to his annual salary. In conclusion, your committee would remark, that in examining into the facts of this matter, we find nothing censurable in the conduct of any of the parties concerned.

Mr Powell moved to lay the report and resolution on the table; which was carried.

Engrossed bill to be entitled an act to repeal in part an act authorizing a jury to be drawn to attend the county courts of certain counties and for other purposes, approved January 13, 1831; read a second time, the rule being suspended, read a third time forthwith. *Ordered*, that the title be as above, and that the secretary acquaint the House thereof.

Engrossed bill to be entitled an act to authorize Cornelius Rain to establish a turnpike road; read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act for the relief of Thomas Childs and others; read a second time, rule suspended, read a third time and passed. *Ordered*, that the title be as above, and the secretary acquaint the House thereof.

Engrossed bill to be entitled an act to increase the number of jurors to attend the circuit courts of Wilcox; read a second time and laid on the table.

Engrossed bill to be entitled an act to repeal in part an act entitled an act for the government of gin-holders, passed November 16, 1818, taken up: a call of the House was made by Mr Irwin of H.; which was sustained, and the bill laid upon the table for one hour.

The Senate then adjourned until to-morrow morning 10 o'clock.

*Wednesday, Jan. 18, 1832.*—The Senate met pursuant to adjournment.

Mr Bridges, from the committee on claims and accounts to whom was referred sundry claims, reported a bill to be entitled an act making appropriations for certain claims against the State; which was read a first and second time and recommitted to the committee on claims.

Mr Hogan, from the judiciary committee to whom was referred a bill to be entitled an act to prevent unnecessary costs on bills of exchange purchased by the Bank of the State of Alabama, reported the same without amendment. Mr Vining moved to refer the bill and amendment to a special committee; which was carried.

Mr Coopwood, from the judiciary committee to whom was referred the resolution inquiring into the expediency of increasing the salaries of the solicitors, reported the same as inexpedient; which was concurred in.

Mr Perry, from the judiciary committee to whom was referred the engrossed bill from the House of Representatives entitled an act to provide for taking the census of the State of Alabama, reported the same without amendment. Mr Hemphill moved to lay the bill on the table; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Hemphill Lawler Perry Powell Smith.

Those who voted in the negative are, messrs President Bridges Coopwood Edmondson Erwin of G. Hogan Irwin of H. M'Elderry Morton Pickett Vining Walthall.

The bill was then read a third time. Mr Hogan moved to fill the blank with "five hundred;" which was carried. The bill was then put on its final passage, and rejected. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Bridges Edmondson Hogan Irwin of H. Morton Pickett Vining Walthall.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Conner Coopwood Erwin of G. Hemphill M'Elderry Perry Powell Smith.

Mr Hogan, from the committee on the State Bank to whom was referred the bill entitled an act to regulate the compensation of the several officers of the Bank, reported the same without amendment. Mr Coopwood moved to refer the bill to a select committee; which was carried.

Mr Erwin of G. from the committee on education to whom was referred the joint resolution appointing commissioners to settle and adjust the claims of the trustees of the University, against certain persons for lands which have been forfeited to said trustees, reported the same back with sundry amendments; which was concurred in. Mr Lawler moved to amend the amendment by striking out the name of "Thomas Crawford," and inserting in lieu thereof the name of "John W. Redd;" which was adopted. Mr Lawler moved further to insert the word "Bibb," after the word "Shelby;" carried. Mr Morton moved that the resolution be read a third time forthwith and put on its passage; carried. Yeas 10—Nays 7.

The yeas and nays being required, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Edmondson Hemphill Irwin of H. M'Elderry Morton Pickett and Walthall.

Those who voted in the negative are, messrs Erwin of G. Hogan Lawler Perry Powell Smith and Vining.

Mr Coopwood was excused from voting. Mr Hogan called for the yeas and nays on excusing Mr Coopwood from voting. Yeas 16—Nays 2.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Bridges Conner Edmondson Erwin of G. Hemphill Lawler M'Elderry Morton Pickett Powell Smith Walthall.

Those who voted in the negative are, messrs Hogan and Vining.

Mr Morton moved that the bill be engrossed and sent forthwith to the House.

Mr Abercrombie moved to reconsider the vote taken on the resolution this

day, relative to the University lands; which was reconsidered, and Mr Hogan moved a call of the House; which was sustained and the resolution laid on the table for one hour.

Mr Morton offered the following resolution, viz: *Resolved*, that with the concurrence of the House of Representatives, the two Houses of the General Assembly will convene in the Hall of the House for the purpose of electing judges of the first, second and fifth judicial circuits, at half past 3 o'clock on to-morrow; which was adopted.

Mr Lawler, from the select committee to whom was referred joint resolutions relative to the public lands, reported a substitute for the same; which was adopted. Mr Lawler moved that the constitutional rule be suspended, and that the bill be read a second and third time forthwith; carried, and the bill passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have read three several times and passed bills which originated in the Senate, of the following titles, viz: An act to establish a branch bank of the State of Alabama, and have amended the same as herewith shewn; an act to provide for digesting the laws of the State of Alabama, and have amended the same as shewn in the bill. They have also passed bills which originated in your honorable body of the following titles, viz: An act for the relief of James Moore and William White, of Bibb county; an act to incorporate the town of Centreville, in the county of Bibb; an act to authorize William Reed, of Perry county, guardian of John Stephens, to sell and convey certain real estate; an act for the relief of John Lawler; an act to revive, repeal in part and amend an act entitled an act to incorporate the town of Greensborough, in the county of Greene, approved December 24, 1823; an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens. They have also read three several times and passed bills which originated in the House of Representatives of the following titles, viz: An act to alter and amend in part an act entitled an act to prevent the introduction of slaves into the State of Alabama and for other purposes, approved January 16, 1832: in which they ask the concurrence of your honorable body. They disagree to the amendments made by your honorable body to the bill entitled an act authorizing the trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University for the nonpayment of the purchase money. They concur in the amendments made by your honorable body to the bill entitled an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, passed the 13th of January, 1827. They recede from their amendments to the amendments made by your honorable body, to the bill entitled an act to discontinue and establish certain election precincts.

Engrossed bill to be entitled an act to establish a branch bank of the State of Alabama, as amended by the House, was taken up. Mr Hogan moved to refer the bill and amendments to the committee on the State Bank; which was carried. Mr Hogan moved that the Senate concur in the amendments made by the House of Representatives; which was concurred in.

Engrossed bill from the House of Representatives entitled an act to alter and amend in part an act entitled an act to prevent the introduction of slaves into the State of Alabama and for other purposes, approved Jan. 16, 1832, was read, and the constitutional rule being suspended, was read a second time. Mr Anderson moved to amend the bill with an additional section; which was lost. Yeas 9—Nays 10.



The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Conner Coopwood Lawler Morton Perry Powell Vining Walthall.

Those who voted in the negative are, messrs President Abercrombie Barclay Edmondson Erwin of G. Hemphill Hogan Irwin of H. Pickett Smith.

The rule being further suspended, the bill was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act to authorize the sale of a lot in the town of Cahawba, was read a first time, the rule being dispensed with, was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and the secretary acquaint the House therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have amended and then disagreed to the amendment of the Senate, to the bill entitled an act authorizing the trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University for the nonpayment of the purchase money.

Engrossed bill entitled an act to authorize the trustees of the University of the State of Alabama to sell and dispose of the lands forfeited to the University for the nonpayment of the purchase money, as amended by the Senate, and amended and disagreed to by the House of Representatives, was taken up, and on motion of mr Morton, was laid upon the table.

The hour having elapsed, the joint resolution appointing commissioners to adjust and settle the claims of the trustees of the University against certain persons for lands which have been forfeited to said trustees, was taken up and passed the Senate. Yeas 12—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Edmondson Hemphill Irwin of H. M'Elderry Morton Pickett Walthall.

Those who voted in the negative are, messrs Erwin of G. Hogan Lawler Perry Powell Smith Vining.

*Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill, in which they request the concurrence of the Senate, entitled an act to repeal all laws prohibiting the judges of the supreme court sitting in cases in which they have given opinions in the circuit court.

Engrossed bill from the House of Representatives entitled an act to repeal all laws prohibiting the judges of the supreme court sitting in cases in which they have given opinions in the circuit courts, was read a first time, the rule suspended, was read a second time forthwith and referred to the committee on the judiciary.

Mr M'Eldery, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act permanently to fix the seat of justice in Wilcox county; an act to authorize Thos. H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified; an act to authorize the administrator of Allen Riley, late of the county of Autauga, to sell the lands which belonged to said decedent; an act to authorize the commanding officers of the forty-ninth regiment in the eleventh brigade of the Alabama militia to form two company beats with a less number than forty privates in the county of Pike; an act for the relief of James A. Thompson, late tax collector of Dallas county; an act to limit actions against securities of officers; an act to amend an act to authorize the sales of sixteenth sections, and for other purposes, passed January 15th, 1828.



A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, to wit: An act to change the time of holding the circuit courts in the second judicial circuits, and an act relating to the alternating of the judges of the circuit courts of this State; in which they require the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act to change the time of holding the circuit courts in the second judicial circuit, was read first time, the rule being suspended was read second time forthwith. Mr Perry moved to amend the bill in the fourth line and first section by striking out the word "shall" and insert "may." Mr Perry moved to amend the second section by striking therefrom the words "of the following counties," and inserting in lieu thereof "of the second judicial circuit." Mr Perry further moved to amend the second section by inserting after the word "days," in the sixth line thereof, the following words, "in the county of Autauga on the third Monday after the third Monday in September, and may continue in session six judicial days;" which was adopted. Mr Perry moved further to amend the bill by an additional section as section three; which was adopted. Mr Bridges moved to amend the bill in the fifteenth line of the first section by striking out the words "six judicial days," and inserting in lieu thereof the words "until the business is disposed of; which was adopted. Mr Bridges moved to amend the second section in the twelfth line, by striking out the words of "six judicial days" and insert "until the business is disposed of;" which was adopted. The constitutional rule being further suspended, the bill was read the third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill from the House of Representatives entitled an act relating to the alternating of the judges of the circuit courts of this State, was read a first time, the rule being suspended was read a second time and referred to the judiciary committee.

Mr Abercrombie introduced a bill entitled an act to change the name of William Williams; which was read the first time. Mr Hogan moved to lay the bill on the table until the first day of next session; which was lost. Yeas 8—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Bridges Edmondson Erwin of G. Hogan Lawler Smith.

Those who voted in the negative are, messrs Abercrombie Coopwood Hemphill Irwin of H. M'Elderry Perry Vining Walthall.

The bill was ordered to a second reading on to-morrow.

Mr M'Elderry introduced a bill entitled an act to extend and designate the boundary of Morgan county; which was read a first time, the rule being suspended, was read a second time forthwith and referred to a select committee, consisting of messrs M'Elderry Barclay and Conner.

Mr M'Elderry, from the committee on enrolled bills reported as correctly enrolled, the following bills: An act to incorporate the Montgomery volunteer company under the style of the Montgomery Huzzars; an act to allow compensation to the petit jurors for the county of Conecuh; an act to incorporate the town of Larkinsville, in Jackson county, and town of Irwinton, in Pike county; an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to certain tracts of land therein specified; an act to authorize John Wilkes, administrator of Philip Wilkes, to make titles to certain tracts of land therein specified; an act for the relief of William S. Hays; memorial to Congress for the relief of certain Creek Indians of mixed blood, within the State of Alabama; an act amendatory to an act passed 20th January 1830, authorizing Nathaniel Clark to emancipate

certain slaves therein named; an act to repeal in part a certain act therein named; an act to change the name of a certain person therein named; an act to authorize the judge of the county court of Tuscaloosa county and commissioners of roads and revenue, to apportion all persons within one mile of the Huntsville road, living in Bibb county, to work on said road; an act to divide the twelfth regiment of the militia of this State; an act for the relief of Catharine C. Craig, lately Catharine C. Bryan; an act for the relief of the inhabitants of the fourth township of the eleventh range, west.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill from the Senate entitled an act to amend an act entitled an act for the government of the port and harbour of the city of Mobile, passed December 23rd, 1822, and have amended the same as set forth in the bill, in which they ask the concurrence of the Senate.

Mr. Hogan moved that the Senate concur in the amendment of the House to the said bill; which was carried.

Mr Smith, from the special committee to whom was referred a bill entitled an act to change the time of holding courts in the first judicial circuit reported the same with an amendment to the first section; which was adopted.

Mr Smith moved to reconsider the vote which was given on yesterday to strike from the bill the second section; which was reconsidered. Mr Hogan moved to lay the bill on the table; which was carried.

Engrossed bill entitled an act supplemental to an act to establish a turnpike road therein named, was read a second time and referred to a select committee.

Engrossed bill entitled an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock in said county, was read a second time, the constitutional rule being suspended was read the third time forthwith and passed the Senate. *Ordered*, the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act to discontinue and establish certain election precincts therein specified, was read a third time and passed.

Engrossed bill to be entitled an act to authorize Cornelius Rain to establish a turnpike road, was on motion of Mr Hogan laid on the table.

*Secretary of States Office, Tuscaloosa, Jan'y. 18th, 1832.*

Mr President—I am requested by the Governor to inform your honorable body, that he did this day approve and sign the following bills: and act to provide for the summoning of a jury to attend the county court of the county of Wilcox; an act for the relief of William T. Reunsivalle; an act in part to repeal an act to incorporate the town of Carrollton, in the county of Pickens, and Fayetteville, in the county of Fayette, and for other purposes, approved 13th January 1831; an act for the relief of Sarah A. Baker; an act to authorize a jury to be drawn for the county court of Lowndes county; an act altering the time of opening and closing the polls of elections in the city and county of Mobile; an act to change a certain road therein named; an act to explain more fully a part of the county line between the counties of Bibb and Shelby; an act concerning the registration of deeds and conveyances; an act to authorize and provide for the liquidation of the claims of Hiram P. Cochran: all of which originated in the Senate.

Engrossed bill entitled an act to amend an act for the government of gin-holders, passed December 16, 1818, was taken up, and passed the Senate. Yeas 12—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Barclay Bridges Coopwood Edmondson Erwin of G. Hemphill Lawler McElderry Pickett Vining Walthall.

Those who voted in the negative are, messrs President Irwin of H. Perry Smith.

*Ordered*, that the secretary forthwith acquaint the House therewith.

The Senate then adjourned until 10 o'clock to-morrow morning.

*Thursday, Jan. 19, 1832*—The Senate met pursuant to adjournment.

Mr M'Elderry, from the committee on accounts and claims to whom was referred a bill to be entitled an act making appropriations for claims against the State, reported the same with an amendment as section 5; which was concurred in. Mr Pickett moved to amend the bill by an additional section; which was lost. Yeas 6—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Barclay Hemphill Irwin of H. Perry Pickett.

Those who voted in the negative are, messrs President Bridges Conner Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Powell Smith Vining Walthall.

Mr Irwin of H. moved to amend the bill by an additional section; which was lost. Yeas 5—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Irwin of H. Hemphill Perry and Pickett.

Those who voted in the negative are, messrs President Barclay Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Powell Smith Vining and Walthall.

Mr Bridges moved to amend by striking out the words "\$73 12½ cents," and insert "eighty dollars sixty-two and a half cents;" carried. Mr Irwin of H. moved to amend by an additional section, for compensation to John M'Kinney, for making return of election for Major General; which was lost. Mr Pickett moved to withdraw the account of John W. Price; which was granted. Mr Irwin of H. moved to further amend by an additional section, for the claims of John M'Lendon, of Henry county; which was not carried. Yeas 8—Nays 12. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Hogan, from the committee on the State Bank to whom was referred the engrossed bill to establish a branch bank of the State of Alabama, with the various amendments of the House of Representatives thereto, reported the same back to the Senate, and that the Senate concur therein. Mr Vining moved a call of the House; which was sustained, and the bill laid on the table for one hour.

Mr M'Elderry, from the select committee to whom was referred a bill to be entitled an act to establish and designate the boundary of Morgan county, reported a substitute for the bill; which was concurred in. Mr M'Elderry moved that the bill be read a third time forthwith; which was carried, and the bill passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Coopwood, from the select committee to whom was referred the bill entitled an act to regulate the compensation of the several officers of the bank of the State of Alabama, reported the same with an amendment by striking out the salaries of all the officers mentioned in the bill, except that of the president and discount clerk. Mr Hemphill moved a call of the House; which was sustained, and the bill laid on the table for one hour.

Mr Lawler, from the select committee to whom was referred sundry petitions relative to a part of the State road, in Shelby county, reported that a law had passed the Legislature, placing the State road, in Shelby county, in the hands of the commissioners of roads and revenue, where the parties would obtain redress of grievances, and asked leave to be discharged from the further consideration of the same; which was granted.

Mr Abercrombie, from the select committee to whom was referred so much of the message of the Governor as relates to the Tariff, certain resolutions of the State of Delaware on the subject of the Tariff and Internal Improvement, and the address of the Free Trade Convention, held in the city of Philadelphia in September last, reported—

That sincerely desirous of sustaining the general government in the full exercise of all the powers delegated to it by the Constitution, and entertaining the most lively sense of the value of the Union, they have bestowed the most serious consideration on the several subjects submitted to them. Your committee need scarcely repeat, what every person must be aware of, that the general government is a government of delegated, limited and defined powers, and that its duty consists in a strict adherence to, and a just and proper administration of the Constitution. Applying these principles, which all will regard as obviously just, to the subject under consideration, your committee cannot coincide with the State of Delaware. A large majority of the people of Alabama doubt the power of the general government to pass laws for the protection of domestic manufactures, and very much deny it altogether. Some regard an exercise of this power as contrary to the spirit of the Constitution, and others as contrary to both the letter and spirit of the Constitution. But there is another view of this subject equally interesting, and in relation to which, amongst the people of Alabama, there exists scarcely any difference of opinion. Nearly all regard the system of protection as essentially unequal and unjust, as taking from the agriculturalist the profit to which his industry entitles him for the purpose of bestowing it on the manufacturer. It can neither be wise or expedient for Congress to persist in a course of policy marked by such consequences, and which has in addition, produced a spirit of deep dissatisfaction and complaint amongst the people of the Southern States generally. That Congress possesses the power to "levy and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence of the United States," is freely and readily admitted; and so far as it may be necessary for these purposes, duties to any amount may be imposed. But here the question very naturally presents itself, was the tariff of 1824 or 1828 necessary for these purposes? Did the payment of the debts or providing for the common defence require any increase of revenue at either of these periods? No one can answer in the affirmative; no one can deny that at these periods the revenue of the government was amply sufficient to pay the current and ordinary expenses, and ten millions annually of the public debt; besides large sums appropriated to objects of internal improvement. Hence some other ground must be resorted to for the purpose of sustaining the acts in question; and your committee respectfully submit, that, viewed as regulations of commerce, they are equally indefensible. After the periods of their passage, trade and commerce were in a highly flourishing condition; and it is notorious that all the great commercial cities of the United States, where the interests of commerce are best understood, were decidedly opposed to their passage, and have remained so ever since. Can any measure, which lessens exchange, and to which all persons interested in, or connected with commerce are unqualifiedly averse, be regarded as a proper or necessary regulation of commerce? It is presumed not: it would be unreasonable to suppose so. Why, then, were the acts referred to passed? To this question but one answer can be given—they were passed for the protection of domestic manufactures. The fact is notorious and cannot be denied. And, however necessary or expedient this policy may be to a portion of the people of the United States, it is a policy to which the people of Alabama cannot subscribe; they are engaged in agriculture; they have no interest in manufactures; and they view their protection as inimical to their prosperity by unjustly and unnecessarily increasing the price of articles of necessary consumption, without causing any increase, but as rather depressing, the value of their great article. Your committee, therefore, are of opinion, that it is highly inexpedient for Congress to persist in this policy, and that it ought to be resisted by all constitutional and proper means. It can neither be wise or patriotic for Congress to persevere in a policy so objectionable to a large and highly respectable and intelligent a portion of the people of the United States.

In reference to the address of the Free Trade Convention, your committee would remark, that the principles which it contains, has, as they believe, met the cordial approbation of the people of Alabama. And it is confidently believed that these principles will be rigidly adhered to by those who now approve them. If Congress, in a spirit of justice and conciliation, should adopt the liberal and enlightened views contained in this address, all cause of discontent, dissatisfaction and division which now exists will be removed, and we will again be a united and happy people; a consummation devoutly to be desired by every American bosom.

The system of internal improvement, as adopted under Mr Monroe's administration, and subsequently continued, is intimately connected with the policy of protection. The one serves to consume and drain off the excessive and unnecessary revenue created by the other, and serves as a plausible pretext for the continuance of high tariff duties. Your committee concede that Congress possesses the power to make internal improvement for national purposes; but they deny that either the letter or spirit of the constitution authorizes them to make internal improvements of any other description. And in determining the nationality of any improvement, more regard

should be paid to the *use* that is to be made of it, than its extent or locality. For Congress to make or exercise jurisdiction over internal improvements with the mere view of bettering the condition or increasing the general prosperity of the country, would be an encroachment on the rights reserved to the States, not authorized by the letter or intention of the Constitution; and every attempt to exercise such a power should be met by a firm, decided, but *constitutional resistance*, by the States and the people. It may be very expedient, in the opinion of the small and poorer States, paying but little revenue, for Congress to exercise this power; but in this opinion Alabama, possessing as she does much wealth, and paying a large amount of the public revenue, cannot concur, and against it she most solemnly protests.

Your committee cannot conclude without adverting to the unhappy excitement which prevails in some parts of our beloved country, growing out of the subjects under consideration. No American citizen can look upon this excitement but with feelings of deep regret. And it should be the earnest prayer of every patriotic heart, as it is of your committee, that an excitement which so deeply affects the harmony and happiness of our common country, which causes even good and virtuous men to doubt the stability and duration of our excellent form of government; and which causes so much invidious speculation by the enemies of freedom and the hireling sycopants of tyranny and oppression may be happily and fortunately allayed by a removal of the causes which have been productive of results so deeply to be deprecated. It is the duty of the States and of the people to yield a cordial and zealous support to the general government in the proper exercise of its constitutional powers; but it is equally their duty to resist, by every constitutional mode, every attempt on the part of the general government to transgress the powers delegated to it. The General Government and the State Governments are parts of one entire system, the entire existence and preservation of which is indispensably necessary to the security of our liberty and prosperity; but these ends, as your committee believe, can only be accomplished by a strict adherence on the part of the State and General Governments to the powers assigned to them respectively.

*Resolved*, that the Governor be requested to forward a copy of the foregoing expression of the sentiments of the General Assembly to the Governors of each of the States, and to each of our Senators and Representatives in Congress.

Which report and resolution were laid on the table until to-morrow.

Mr M'Elderry, from the select committee to whom was referred the engrossed bill to be entitled an act supplemental to an act to establish a turnpike road therein mentioned, approved January 7, 1830, reported the same with three additional sections, as sections two, three and four; which was concurred in, and the bill ordered to a third reading on to-morrow.

Mr Smith called from the table the bill to be entitled an act to change the time of holding the courts in the first judicial circuit. Mr Smith moved that the bill be read the third time forthwith; which was carried and the bill passed the Senate. *Ordered*, that the title be as above and that the secretary acquaint the House therewith.

Mr Walthall introduced a bill to be entitled an act to authorize the patentees therein named to practice medicine. Mr Walthall moved to suspend the constitutional rule, and that the bill be read a second and third time forthwith; which was lost. Yeas 14—Nays 8.

Those who voted in favor of suspending the rule are, messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmondson Erwin of G. Lawler M'Elderry Morton Powell Smith Walthall.

Those who voted in the negative are, messrs President Bridges Hemphill Hogan Irwin of H. Perry Pickett Vining.

Mr Walthall moved that the bill be read a second time on to-morrow; which was carried. Yeas 13—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Coopwood Dupuy Erwin of G. Lawler M'Elderry Morton Powell Smith Walthall.

Those who voted in the negative are, messrs President Bridges Edmondson Hemphill Hogan Irwin of H. Perry Pickett Vining.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed bills of the following titles, viz: An act more effectually to secure to militia officers the infantry



tactics received by this State from the General Government; an act to dispose of certain public lands and for other purposes; an act to authorize Wm. Atkins and others to erect certain gates therein mentioned; an act to explain an act passed at the present session of the General Assembly; and an act to emancipate certain slaves therein named. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Hall of the House of Representatives on Friday evening at the hour of seven o'clock, for the purpose of going into the election of judges of the first, second and fifth judicial circuits: in all of which they request the concurrence of the Senate. They have also passed bills from the Senate of the following titles, to wit: an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh; an act to repeal in part an act entitled an act for the government of gin-holders, passed Nov. 16th, 1818; an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama; an act supplementary to an act entitled an act for the improvement of the Tennessee river, and for other purposes; an act to provide for the payment of the land commissioners for certain services rendered the State; and, an act to remove a portion of the public arms to the town of Montgomery. The two last bills they have amended as therein set forth: in which they request the concurrence of the Senate. They have also passed joint resolutions from the Senate entitled, "joint resolutions on the subject of the public lands; and, memorial of the General Assembly of the State of Alabama to the Congress of the United States for the relief of William Williams and Wm. Bush. They have also read a second time and indefinitely postponed a bill from the Senate entitled an act concerning dower.

Engrossed bill from the House of Representatives entitled an act to dispose of certain public lands, and for other purposes, was read a first time, the constitutional rule being suspended, was read a second time and referred to a select committee consisting of messrs Bridges, Perry and Smith.

Engrossed bill from the House of Representatives entitled an act more effectually to secure the militia officers the infantry tactics received by this State from the General Government, was read and ordered to a second reading on to-morrow.

The hour having elapsed, the bill establishing a Branch Bank was taken up. Mr Hogan moved to amend the bill by adding to the end of the 14th section, "and shall forthwith give notice to the comptroller of the State;" which was lost. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Barclay Bridges Edmondson Erwin of G. Hogan Lawler M'Elderry Perry Powell Smith Vining Walthall.

Those who voted in the negative are, messrs Abercrombie Anderson Conner Coopwood Hemphill Irwin of H. Morton Pickett.

Mr Bridges moved to amend the amendment by way of proviso; which was lost. The question then recurred on concurring with the committee. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Conner Coopwood Erwin of G. Hemphill Hogan Irwin of H. Lawler Morton Perry Pickett Smith Walthall.

Those who voted in the negative are, messrs President Bridges Edmondson M'Elderry Vining.

The hour having elapsed, the bill to regulate the compensation of the officers of the State of Alabama, together with the amendment of the committee. Mr Coopwood moved to lay the bill and report on the table; carried.

Mr Hogan, from the special committee to whom was referred the bill to be



entitled an act to prevent unnecessary costs on bills of exchange purchased by the Bank of the State of Alabama after the first of September next, together with the amendments thereto, reported the same and asked the concurrence of the Senate. Mr Coopwood moved to amend the amendment by striking out the words "for the purpose of paying out notes in Bank;" which was adopted. Mr Hogan moved to indefinitely postpone the bill; which was lost. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs Erwin of G. Lawler M'Elderry Powell Smith.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmonds Hemphill Hogan Irwin of H. Perry Pickett Vining Walthall.

Mr Irwin of H. moved to adjourn to three o'clock; lost. Yeas 2, Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Irwin of H. Perry.

Those who voted in the negative are, messrs President Anderson Barclay Bridges Conner Coopwood Edmonds Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Smith Vining Walthall.

The Senate then adjourned to half past three o'clock.

*Half past three o'clock.*—The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to whom was referred the bill to be entitled an act to repeal all laws prohibiting the judges of the supreme court sitting in cases in which they have given opinions in the circuit court, reported the same without amendment. Mr Anderson moved that the bill be indefinitely postponed; which was carried. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Anderson Barclay Dupuy Edmonds Hogan Irwin of H. M'Elderry Perry Vining Walthall.

Those who voted in the negative are, messrs Abercrombie Bridges Conner Erwin of G. Lawler Powell Smith.

A message from the House of Representatives by mr Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House is now ready to receive them in their Hall for the purpose of electing a judge of the county court of Monroe county.

Whereupon, the Senate repaired to the Hall, were seated, mr President announced the object of their meeting, and the two Houses proceeded to the election of a judge of the county court of Monroe county. Benjamin F. Porter being in nomination, for mr Porter 73.

Those who voted for mr Porter are, messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Dupuy, Edmonds, Erwin of G. Hogan, Irwin of H. Lawler, M'Elderry, Perry Smith, Vining. Reps. messrs Speaker, Abernathy, Acklen, Augustus, Baker, Brodnax, Campbell, Carroll, Craig, Dellet, Erwin, Faulk, Farrar, Fontaine, Foster, Goodwin, Goyne, Hall of B. Harris Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Lane, Lea Lockhart, Loyd, M'Afee, M'Collum, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Saunders of D. Saunders of L. Shackleford, Snedcor, Tarrant, Terrell, Toulmin Walker, Ward, Watkins, Wilkinson.

Mr Porter having all the votes which were given, mr Speaker declared mr Porter duly elected judge of the county court of Monroe county. Whereupon, the Senate repaired to the Senate chamber, and mr President resumed his chair.

Mr Perry, from the committee on the judiciary to whom was referred the bill entitled an act in relation to the alternations of the judges of the circuit courts of this State, reported the bill with an amendment by striking out all after the enacting clause. Mr Abercrombie moved that the Senate disagree to the amendment of the committee; which was carried. Yeas 17—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs

President Abercrombie Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Perry Pickett Powell Smith Walthall.

Those who voted in the negative are, messrs Anderson Hogan Vining.

Mr Powell moved to amend the bill by striking from the third section the first clause thereof; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Barclay Erwin of G. Hemphill Hogan M'Elderry Perry Powell Smith Vining.

Those who voted in the negative are, messrs President Abercrombie Bridges Conner Dupuy Edmondson Irwin of H. Lawler Pickett Walthall.

Mr Barclay moved to strike from the last section of the bill that part which reduces the circuits to six; which was lost. Yeas 4—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Barclay Perry Vining.

Those who voted in the negative are, messrs President Abercrombie Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Pickett Powell Smith Walthall.

Mr Pickett moved to amend the bill by striking therefrom that part which reduces the salaries of the judges to fourteen hundred dollars; which was lost. Yeas 1—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, mr Pickett.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Perry Powell Smith Vining Walthall.

Mr President moved (mr Lawler being in the chair) that the bill be read a third time forthwith; which was carried. The bill was then put upon its passage and passed the Senate. Yeas 18—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Perry Pickett Powell Smith Walthall.

Those who voted in the negative are, messrs Barclay Vining.

Mr Walthall moved that the Secretary forthwith acquaint the House therewith: carried.

Mr M'Elderry, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act for the relief of James Moore and William White, of Bibb county; an act to authorize William Reed, of Perry county, guardian of John Stephens, to sell and convey certain real estate; an act for the relief John Lawler; an act to provide for digesting the laws of the State of Alabama; an act to authorize James Doran to emancipate certain slaves therein named. Which were respectively signed by mr President.

Mr Erwin of G. offered the following resolution, viz: *Resolved*, that the judiciary committee be instructed to arrange the counties in this State into six judicial circuits, and report by bill; which was adopted.

Engrossed bill entitled an act to authorize Willis Atkins and others, to erect certain gates therein mentioned, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Engrossed bill entitled an act to explain an act passed the present session of the General Assembly, was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed the Senate. *Ordered*, that the title be as above, and that the secretary inform the House thereof.

Engrossed bill from the House of Representatives entitled an act to emancipate certain slaves therein named, was read a first time, and on motion of mr Erwin of G. was indefinitely postponed. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs

President Abercrombie Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Walthall.

Those who voted in the negative are, messrs Barclay Hogan Lawler M'Elderry Perry Pickett Powell Smith Vining.

Engrossed bill to be entitled an act to provide for the payment of the land commissioners for certain services rendered to the State, as amended by the House of Representatives, was taken up: on concurring with the House Mr Powell moved to lay the bill on the table; which was carried.

Mr Abercrombie moved that the Senate disagree to the amendment of the House of Representatives to the bill from the Senate, providing for removing a portion of the public arms to the town of Montgomery; which was carried.

The Senate then took up the resolution of the House of Representatives proposing to elect judges for the circuit courts, for the first, second and fifth judicial circuits, on to-morrow at the hour of 7 o'clock. Mr Erwin of G. moved to lay the resolution on the table until to-morrow: carried.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill from the Senate entitled an act amendatory to the laws concerning divorce, and have amended the same as therein set forth, in which they request the concurrence of the Senate.

Mr Lawler moved to lay the bill on the table; which was lost.

Mr Bridges moved that the Senate concur in the amendments of the House of Representatives to the bill entitled an act concerning dower; which was carried.

The Senate then proceeded to the orders of the day.

A bill to be entitled an act to change the name of William Williams, was read a second time. Mr Abercrombie moved to suspend the constitutional rule, and that the bill be read a third time; which was lost. Yeas 14—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Bridges Conner Dupuy Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Perry Powell Vining Walthall.

Those who voted in the negative are, messrs Barclay Edmondson Hogan Smith.

The bill was then ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to authorize Cornelius Rain, to establish a turnpike road, was read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

The Senate adjourned until 10 o'clock to-morrow morning.

*Friday, Jan. 20, 1832.*—The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to whom was referred the resolution to reduce the State into six judicial circuits, reported a bill to be entitled an act to reduce the judicial circuits of the State of Alabama into six; which was read, the rule suspended and the bill read a second and third time and passed. *Ordered*, that the secretary acquaint the House therewith.

Mr M'Elderry, from the committee on enrolled bills reported the following bills as correctly enrolled: An act to incorporate the Tennessee and Alabama Railroad Company; an act to authorize William Taylor administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, dec'd. to sell real estate; an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, passed 13th January 1827; an act to discontinue and establish certain election precincts therein named. All of which were signed by Mr President.

Mr Powell moved to take from the table a bill entitled an act for the payment of the land commissioners for certain services rendered to the State. Mr

President (Mr Erwin of G. in the chair,) moved a call of the House; which was not sustained. Mr Powell moved that the Senate concur in the amendments of the House to the bill; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President Bridges Dupuy Erwin of G. Hogan M'Elderry Perry Powell Smith

Those who voted in the negative are, messrs Abercrombie Barclay Conner Coopwood Hemphill Irwin of H. Lawler Pickett Vining Walthall.

Mr Morton was excused from voting.

Mr Bridges, from special committee to whom was referred the bill entitled an act to dispose of certain public lands and for other purposes, reported the same without amendment: concurred in, the bill read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Perry introduced a bill to alter the time of holding the summer term of the county court of Greene county; which was read, rule suspended and read three several times and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the several amendments made by the Senate in the bills entitled, An act to change the time of holding the circuit courts in the second judicial circuit; and an act to discontinue and establish certain election precincts therein specified. They have disagreed to the amendments of the Senate to the bill entitled an act to change the time of holding courts in the first judicial circuit. They concur in the amendment of the Senate to their amendment to the bill from the Senate entitled an act to establish a branch Bank of the State of Alabama. They have also passed bills of the following titles: an act making appropriations for certain claims against the State, and an act making appropriations for the year 1832; also joint resolutions entitled joint resolutions recommending Andrew Jackson for re-election to the Presidency of the United States. They have passed bills from the Senate entitled, an act to attach to certain counties therein named the territory west of the Tombeckbee river; and an act to designate and extend the boundaries of Morgan and Blount counties, both of which they have amended as set forth in the bills respectively. In all of which the concurrence of the Senate is requested.

Mr Smith moved that the Senate insist on their amendment to the bill changing the time of holding the circuit courts of the first judicial circuit; which was carried.

Engrossed bill from the House of Representatives making appropriations for certain claims against the State, was read, the rule suspended, read a second time and referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives making appropriations for the year 1832, was read, the rule suspended, was read a second time and referred to the committee on claims and accounts.

Engrossed joint resolutions recommending Andrew Jackson to the Presidency of the United States, was read, the rule suspended, and read a second and third time and passed. Yeas 19—Nays.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Conner Coopwood Dupuy Edmundson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Pickett Powell Smith Vining Walthall.

The bill to be entitled an act to attach to certain counties therein named, the territory west of the Tombeckbee river, as amended by the House, Mr Bridges moved to concur in the first amendment; which was carried. Mr Bridges moved to disagree to the amendments made to the first and second sections; which was carried. Mr Anderson moved to refer the bill to a spe-

cial committee; which was carried: messrs Anderson, Bridges and Erwin of G. were appointed said committee.

Mr M'Elderry moved that the Senate concur in the amendments of the House of Representatives, to the bill entitled an act to extend and designate the boundaries of the counties of Morgan and Blount; which was carried.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill to be entitled an act to discontinue and establish certain election precincts therein named: in which they request the concurrence of the Senate.

Engrossed bill to discontinue and establish certain election precincts, was read, the rule suspended, and the bill read three several times and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Perry moved to take from the table a bill for the relief of William Taylor; which was read a second time, and mr Perry moved that the bill be read a third time to-morrow; which was lost. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Barclay Conner Coopwood Morton Perry Walhall.

Those who voted in the negative are, messrs President Edmondson Bridges Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Pickett Powell Smith Vining.

Mr Anderson, from the special committee to whom was referred the bill to attach the territory west of the Tombigbee river to certain counties therein named, reported the same with an amendment to the first section; which was concurred in by the Senate.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives insist on their amendment to the bill from the Senate entitled an act to provide for the payment of the land commissioners for certain services rendered to the State.

Mr Lawler moved that the Senate recede from their disagreement; which was carried. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Conner Edmondson Hogan M'Elderry Perry Pickett Powell Smith.

Those who voted in the negative are, messrs Abercrombie Barclay Coopwood Erwin of G. Hemphill Irwin of H. Lawler Vining Walhall.

Mr M'Elderry, from the committee on enrolled bills, reported the following bills as correctly enrolled, viz: The committee on enrolled bills have examined and find correctly enrolled, an act to revive an act entitled an act for the government of the port and harbor of Mobile, passed December 23, 1822; an act to authorize the commissioners of roads and revenue to grant private ways in certain cases; an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830; an act to repeal in part an act entitled an act for the government of gin-holders, passed Nov. 16, 1813; an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh; an act supplementary to an act entitled an act for the improvement of the Tennessee river and for other purposes; an act to repeal an act entitled an act to establish a board of Internal Improvement for the State of Alabama; an act to revive, repeal in part, and amend an act entitled an act to incorporate the town of Greensborough, in the county of Greene, approved Dec. 24, 1823; joint resolutions on the subject of the public lands; memorial of the General Assembly of the State of Alabama, to the Congress of the United States, for the relief of William Williams and William Bush; an act for the relief of Thomas Childs and others; an act to repeal in part an act authorizing a jury



to be drawn to attend the county courts of certain counties and for other purposes, approved January 30, 1830; an act to incorporate the Montgomery railroad company; an act to add a part of Tuscaloosa county to the county of Fayette; an act to change the time of holding the courts in the second judicial circuit; an act relative to the alternation of judges in the circuit courts of this State; an act to discontinue and establish certain election precincts therein named; an act to authorize the sale of a lot in the town of Cahawba; an act to authorize the establishment of a road from Florence to the Tennessee line; an act to authorize Joseph Garrett and James W. Hill, of Madison county, to build a mill on the Paint Rock river, in said county; an act to alter and amend in part an act entitled an act to prevent the introduction of slaves into the State of Alabama and for other purposes, approved 16th January, 1832: All of which were signed by mr President.

The Senate adjourned to half past 2 o'clock.

Senate met pursuant to a journalment.

Mr Bridges offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall at the hour of seven o'clock this evening, for the purpose of electing a president and twelve directors of the Bank of the State of Alabama. Mr Bridges moved a call of the previous question; which was sustained. Yeas 13—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Coopwood Dupuy Edmondson Erwin of G. Hemphill Lawler M'Elderry Perry Pickett Vining.

Those who voted in the negative are, mr Abercrombie Andersen Hogan Irwin of H. Morten.

The question was then taken on the passage of the resolution; which passed. Yeas 14—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Conner Dupuy Coopwood Erwin of G. Hemphill Lawler M'Elderry Pickett Vining and Walthall.

Those who voted in the negative are, messrs Abercrombie Andersen Hogan Irwin of H. and Morten.

Mr Abercrombie moved to take up the resolution from the House of Representatives proposing to go into the election of judges for the first, second and fifth judicial circuits. Mr Abercrombie moved the previous question; which was lost. Yeas 7—Nays 14.

Those who voted in the affirmative are, messrs Abercrombie Andersen Coopwood Hemphill Perry Pickett Walthall.

Those who voted in the negative are, messrs President Bridges Conner Dupuy Edmondson Erwin of G. Hogan Irwin of H. Lawler M'Elderry Morten Powell Smith Vining.

The motion to take up the resolution was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Andersen Coopwood Hemphill Hogan M'Elderry Irwin of H. Morten Perry.

Those who voted in the negative are, messrs President Barclay Bridges Conner Dupuy Edmondson Erwin of G. Lawler Pickett Powell Smith Vining Walthall.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill to be entitled an act to exempt from taxation all incorporated academies in this State.

A message of the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill entitled an act to provide for the election of justices of the peace and constables, in the corporate limits of the town of Huntsville: in which they request the concurrence of the Senate.

A bill from the House of Representatives to be entitled an act to provide for the election of justices of the peace and constables, in the corporate limits



of the town of Huntsville, was read and the rule being suspended, was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a memorial from the Senate entitled a memorial to the Congress of the United States in relation to the public lands. They have also passed a bill entitled an act making provisions for the taxing of cattle in this State which are the property of non-residents: In which they request the concurrence of the Senate.

A bill from the House of Representatives providing for taxing cattle, the property of non-residents; which was read, the rule suspended, read a second time and referred to a select committee.

Mr Powell presented the claim of Randolph and Cairnes; which was referred to the committee on claims.

Mr Bridges called from the table a bill to increase the number of jurors for Wilcox county; which was read a third time and passed. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Erwin, from the judiciary committee to whom was referred the bill for the relief of Edward Hamrick, reported the same with sundry amendments; which was concurred in, and the bill read the third time and passed.

The Senate then proceeded to the orders of day.

Engrossed bill making appropriations for certain claims against the State, was taken up and referred to the committee on claims and accounts.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have concurred in the resolution from the Senate proposing that the two Houses will convene in the Representative Hall this evening at 7 o'clock, for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama; and have amended the same by adding thereto the following: "and a Digester of the State laws of this State and three Commissioners to examine said digest: in which they request the concurrence of the Senate.

The Senate concurred in the amendment of the House to their resolution by electing a digester of the laws of the State of Alabama, and three commissioners. Mr Hogan moved to amend the resolution by electing a judge of the first and second circuits; which was lost. Yeas 2—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Hogan Perry.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Lawler M'Elderry Morton Pickett Powell Smith Vining Walthall.

A bill to authorize the patentees therein named to practice medicine was taken up. Mr Hemphill moved to lay the bill on the table until the first day of July next; which was lost. Yeas 9—Nays 12.

The yeas and nays being required, those who voted in the affirmative are, messrs President Bridges Edmondson Hemphill Hogan M'Elderry Perry Smith Vining.

Those who voted in the negative are, messrs Anderson Barclay Conner Coopwood Dupuy Erwin of G. Lawler Morton Pickett Powell Walthall.

Mr Conner moved that the bill be read a third time; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson Barclay Conner Coopwood Lawler Morton Pickett Powell Walthall.

Those who voted in the negative are, messrs President Abercrombie Bridges Edmondson Erwin of G. Hemphill Hogan M'Elderry Perry Smith Vining.

Message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have passed a bill from the Senate entitled an act to regulate the time of holding the county court of Greene county.

Engrossed bill to be entitled an act more effectually to secure to militia officers the infantry tactics received by this State from the General Government, was read a third time and passed the Senate.

A bill entitled an act to change the name of Wm. Williams, was read a third time and passed the Senate. *Ordered*, the secretary acquaint the House thereof.

Engrossed bill to be entitled an act supplemental to an act to establish a turnpike road therein mentioned, was read a third time and passed the Senate.

Message from His Excellency the Governor, by Mr Thornton.

*Secretary of States' Office, Jan'y. 20th, 1832.*

Mr President—I am requested by the Governor to inform your honorable body, that he did on the 19th inst. approve and sign the following bills: an act permanently to fix the seat of justice in the county of Wilcox; an act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers; and on this day, an act to provide for digesting the laws of the State of Alabama; an act to authorize James Doran to emancipate certain slaves therein named; an act for the relief of John Lawler; an act for the relief of William Reed, of Perry county, guardian of John Stephens, to sell and convey certain real estate; an act for the relief of James Moore and William White, of Bibb county. All of which originated in the Senate.

Mr Hogan from the select committee to whom referred the bill providing for taxing the cattle of non-residents, reported the same with the following amendments, by striking out all of the first section after the enacting clause and insert in lieu thereof, "that it shall be lawful for the judge and commissioners of roads and revenue of the counties of Mobile, Washington and Baldwin, annually to levy a tax of twenty-five cents per head, on each and every head of stock cattle, owned by persons not citizens of this State, and now or hereafter remaining at large within said counties: *Provided*, nothing contained in this act shall authorize said court to tax the cattle of non-residents who may be free-holders within this State." Strike out all of the second section, amend the third section by striking out in the third line, "of this State" and insert "therein named," and add after the last word "and pay the same into the treasury of the counties aforesaid."

Mr Coopwood from the committee on accounts and claims to whom was referred a bill making appropriations for the year 1832, reported the same without amendment; which read a third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Perry moved to reconsider the vote taken on this day on the disagreement of the Senate to the amendment of the House to the bill to be entitled an act to attach to certain counties therein named, the territory west of the Tombecbee river; which was reconsidered and the bill ordered to lie on the table until to-morrow.

Message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House of Representatives is now ready to receive them for the purpose of going into the election of a digester of the State laws of the State, and three persons to examine the same; and a president and twelve directors of the Bank of the State of Alabama. Whereupon the Senate repaired to the Hall of the House of Representatives, were seated, Mr President announced the object of the meeting, when the two Houses went into the election of a president of the Bank of the State of Alabama. John L. Tindall being in nomination. For Tindall, 92 votes.

Those who voted for Mr Tindall are, Mr President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Smedley Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Mr Tindall having all the votes given, mr Speaker declared mr Tindall duly elected President of the Bank of the State of Alabama for twelve months.

The two Houses then proceeded to elect twelve Directors for the Bank of the State of Alabama, mr J. P. Guild, William G. Parrish, Frederick C. Ellis, John O. Cummins, H. M. Andrews, Charles Lewin, Samuel B. Ewing, Thomas R. Bolling, William R. Colgin, Gilbert Saltonstall, Constantine Perkins, John H. Sommerville, John Owen, James H. Dearing, Nathan Hughes, Peter Martin, J. B. Pass, C. S. Pattison, S. M. Meek, James Hogan, Z. B. Snow, J. W. Terrell, A. M. Robinson. For mr Guild 62; Parrish 60; Ellis 63; Cummins 41; Andrews 44; Lewin 65; Ewing 72; Bolling 74; Colgin 72; Saltonstall 55; Perkins 75; Sommerville 27; Owen 46; Dearing 30; Hughes 37; Martin 46; Pass 50; Pattison 26; Meek 13; Hogan 59; Snow 36; Ready 29; Terrell 21; Robinson 22.

Those who voted for mr Guild are, messrs President Abercrombie Bridges Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Pickett Smith Vining Walthall. Reps. messrs Speaker Acklen Augustus Baker Boyd Brodnax Cook Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Johnston Keener King of M. King of P. Lane Lea Lockhart Loyd M'Affe M'Collum M'Kinley M'Vay Norwood Oliver of M. Payne Peete Philpott Ross Rugely Saunders of D. Shackelford Swink Stephens Tarrant Terrell Toulmin Ward Watkins Wilkinson.

Those who voted for mr Parrish are, messrs President Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hogan Irwin of H. Lawler M'Elderry Perry Pickett Smith Vining. Reps. messrs Speaker Acklen Augustus Baker Boyd Carroll Cook Drish Erwin Faulk Farrar Fontaine Gilbreath Goodwin Goynes Hall of A. Hall of B. Hickman Hays Hollis King of M. King of P. Lane Lea Lockhart M'Affe M'Collum M'Kinley M'Vay Moffitt Moore Musgrove Norwood Oliver of C. Payne Peete Philpott Rather Saunders of L. Swink Suedicor Stephens Terrell Walker Ward Watkins.

Those who voted for mr Ellis are, messrs President Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Irwin of H. Perry Pickett Smith Vining Walthall. Reps. messrs Abernathy Acklen Baker Boyd Campbell Carroll Cook Drish Erwin Faulk Gilbreath Goynes Hall of A. Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Collum Moffitt Moore Musgrove Norwood Oliver of C. Paul Payne Rather Riddle Ross Saunders of D. Saunders of L. Shackelford Shearer Swink Suedicor Walker Ward Watkins.

Those who voted for mr Cummins are, messrs President Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Irwin of H. Lawler Morton Vining Walthall. Reps. Abernathy Baker Boyd Campbell Carroll Cook Drish Erwin Faulk Fontaine Foster Gilbreath Goodwin Hall of A. Hubbard Johnston Lane Lockhart Loyd Moffitt Musgrove Rather Riddle Rugely Shackelford Stephens Tarrant Terrell Walker.

Those who voted for mr Andrews are, messrs President Anderson Barclay Dupuy Edmondson Hemphill Hogan Perry Pickett Smith Vining. Reps. messrs Carroll Craig Erwin Faulk Farrar Gilbreath Hall of A. Hall of B. Hays Hickman Hollis Kilpatrick King of M. King of P. Lane Lea Loyd M'Affe M'Collum M'Kinley M'Vay Moffitt Musgrove Norwood Oliver of C. Paul Payne Rather Riddle Ross Saunders of L. Shackelford Shearer Swink Suedicor Stephens Ward.

Those who voted for mr Lewin are, messrs President Abercrombie Barclay Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining. Reps. Abernathy Baker Boyd Brodnax Campbell Cook Craig Dellet Drish Erwin Faulk Foster Gilbreath Goodwin Goynes Hall of B. Harris Hays Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Collum M'Kinley M'Vay Moore Musgrove Nabors Norwood Oliver of M. Payne Philpott Rather Ross Rugely Saunders of D. Shackelford Shearer Swink Suedicor Tarrant Terrell Toulmin Walker Ward Watkins.

Those who voted for mr Ewing are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Erwin of G. Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Faulk Foster Goodwin Goynes Hall of A. Hall B. Harris Hays Hickman Hollis Hubbard Johnston Keener King of P. Lane Lea Lockhart M'Collum M'Vay Moffitt Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Philpott Rather Riddle Ross Saunders of D. Saunders of L. Shackelford Terrell Toulmin Walker Ward Watkins.

Those who voted for mr Bolling are, Mr President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Pickett Perry Vining Walthall. Reps. messrs Speaker Abernathy Augustus Baker Boyd Brodnax Carroll Cook Craig Dellet Drish Faulk Foster Farrar Gilbreath Goodwin Goynes Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lane Lea Lockhart M'Affe M'Vay Moffitt Moore Musgrove Nabors Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Swink Suedicor Tarrant Toulmin Ward Watkins Wilkinson.

Those who voted for Mr Colgin are, messrs President Abercrombie Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Carroll Cook Dellet Erwin Farrar Fontaine Foster Goodwin Hall of B. Harris Herbert Hickman Johnston Keener King of P. Lane Lea Lockhart Loyd M'Affe M'Collum M'Kinley M'Vay Moffitt Moore Musgrove Nabors Norwood Oliver of C. Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Shackelford Shearer Swink Stephens Tarrant Toulmin Walker Watkins Wilkinson.

Those who voted for mr Saltonstall are, messrs President Anderson Barclay Conner Coopwood Hogan Irwin of H. Lawler M'Elderry Morton Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Campbell Cook Craig Dellet Erwin Faulk Farrar Fontaine Foster Hall of B. Harris Hays Herbert Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Affe M'Vay Moore Nabors Oliver of C. Paul Payne Peete Rather Riddle Ross Rugely Saunders of D. Saunders of L. Stephens Toulmin Watkins Wilkinson.

Those who voted for mr Perkins are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Hogan Lawler M'Elderry Morton Pickett Smith Vining Walthall. Reps. messrs Speaker Abernathy Augustus Baker Brodnax Campbell Carroll Cook Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall B. Harris Hays Herbert Hickman Hollis Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Affe M'Collum M'Kinley M'Vay Moffitt Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Philpott Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Suedicor Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted for mr Sommerville are, messrs President Anderson Coopwood Hogan Perry Pickett Smith Walthall. Reps. messrs Acklen Boyd Brodnax Campbell Erwin Faulk Fontaine Harris Hays Hubbard M'Kinley Musgrove Oliver of C. Ross Saunders of D. Shearer Suedicor Toulmin.

Those who voted for mr Owen are, messrs Abercrombie Bridges Erwin of G. Hemphill M'Elderry Pickett. Reps. messrs Speaker Augustus Baker Cook Craig Dellet Drish Farrar Fontaine Foster Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. King of P. Loyd M'Affe M'Kinley M'Vay Moffitt Moore Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Shackelford Shearer Swink Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted for mr Dearing are, messrs Abercrombie Hogan M'Elderry Smith Vining. Reps. messrs Baker Campbell Dellet Drish Farrar Fontaine Foster Gilbreath Goynes Harris Kilpatrick King of M. Kinley M'Kinley M'Vay Moffitt Musgrove Oliver of M. Payne Peete Rugely Saunders of L. Stephens Tarrant Watkins.

Those who voted for mr Hughes are, mr President Barclay Conner Coopwood Dupuy Edmondson Erwin of G. Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reps. mr Speaker Campbell Drish Erwin Faulk Gilbreath Goynes Hall of A. Hall of B. Hubbard Johnston Kilpatrick Loyd M'Collum M'Vay Norwood Paul Philpott Rather Swink Suedicor Stephens Toulmin Walker.

Those who voted for mr Martin are, messrs Bridges Coopwood Dupuy Edmondson Irwin of H. M'Elderry

Morton Perry Pickett Smith Vining. Reps. messrs Abernathy Acklen Boyd Campbell Carroll Craig Faulk Gilbreath Goynes Hall of A. Hays Hickman Hollis Johnston King of M. Lane Lockhart Loyd M'Collum M'Kinley M'Rea M'Vay Norwood Oliver of C. Paul Payne Peete Philpott Saunders of L. Shearer Swink Snedcor Stephens Tarrant Walker Wilkinson.

Those who voted for Mr Pass are, messrs Anderson Bridges Conner Coopwood Erwin of G. Hemphill Irwin of H. Morton Perry Pickett Smith. Reps. messrs Abernathy Acklen Augustus Boyd Brodnax Campbell Carroll Craig Drish Erwin Faulk Foster Goynes Hall of A. Harris Hays Herbert Hickman Keener Kilpatrick King of M. King of P. Lane Lea Lockhart M'Collum M'Rea Moffett Nabors Oliver of C. Paul Philpot Rather Riddle Saunders of D. Shackelford Terrell Ward Watkins.

Those who voted for Mr Pattison are, messrs Conner Coopwood Dupuy Hemphill Irwin of H. Morton. Reps. messrs Abernathy Carroll Craig Gilbreath Goodwin Hollis Hubbard Kilpatrick Loyd M'Collum M'Rea Moore Norwood Paul Riddle Shearer Snedcor Stephens Walker Ward.

Those who voted for Mr Meek are, Mr Smith. Reps. Hall of A. Herbert King of M. Lea M'Rea Oliver of C. Oliver of M. Shearer Snedcor Stephens Tarrant.

Those who voted for Mr Hogan are, messrs Abercrombie Anderson Barclay Conner Edmondson Erwin of G. Hemphill Irwin of H. Lawler Perry Vining Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Farrar Fontaine Foster Goodwin Hall of A. Harris Herbert Hubbard Johnston Keener King of P. Lane M'Afee M'Kinley M'Rea Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Philpott Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Snow are, messrs Abercrombie Hemphill Hogan Lawler M'Elderry Morton Perry Vining Walthall. Reps. messrs Speaker Augustus Brodnax Cook Dellet Farrar Fontaine Goodwin Hall of B. Harris Herbert Hollis King of M. M'Afee M'Rea Moore Nabors Oliver of M. Payne Peete Ross Rugely Saunders of D. Saunders of L. Toulmin Walker Wilkinson.

Those who voted for Mr Ready are, messrs Abercrombie Hemphill. Reps. messrs Augustus Baker Brodnax Cook Dellet Farrar Fontaine Herbert Keener M'Afee M'Rea Nabors Oliver of M. Riddle Rugely Snedcor Tarrant Wilkinson.

Those who voted for Mr Terrell are, messrs Abercrombie Dupuy Lawler. Reps. Acklen Carroll Goodwin Goynes Hall of B. Hickman Hubbard Kilpatrick King of M. Loyd M'Rea Nabors Oliver of M. Peete Shearer Swink Tarrant Terrell Wilkinson.

Those who voted for Mr Robinson are, messrs Bridges Erwin of G. Reps. messrs Craig Herbert Hickman Hollis King of M. M'Kinley M'Rea M'Vay Moffett Moore Nabors Oliver of C. Paul Payne Peete Riddle Shearer Snedcor Tarrant Ward.

Messrs Guilt, Parrish, Ellis, Lewin, Ewing Bolling, Colgin, Saltonstall, Perkins, Owen, Pass, Hagan, having received a majority of all the votes given in, and the highest numbers, were declared by Mr Speaker duly elected directors of the Bank of the State of Alabama for the ensuing twelve months.

The two Houses then proceeded to the election of a digester of the statutes of the State of Alabama: P. N. Wilson, George N. Stewart and J. G. Aikin being in nomination. For Mr Wilson 22, for Mr Stewart 15, for Mr Aikin 54.

Those who voted for Mr Wilson are, messrs Abercrombie Coopwood M'Elderry Morton Perry. Reps. Abernathy Baker Brodnax Craig Drish Fontaine Foster Harris Hubbard Keener Nabors Oliver of M. Rather Rugely Saunders of D. Shearer Tarrant.

Those who voted for Mr Stewart are, messrs President Conner Erwin of G. Hogan Lawler Walthall. Reps. messrs Speaker Augustus Cook Dellet Lockhart M'Kinley Moffett Terrell Toulmin.

Those who voted for Mr Aikin are, messrs Anderson Barclay Bridges Dupuy Edmondson Hemphill Irwin of H. Pickett Smith Vining. Reps. messrs Acklen Boyd Campbell Erwin Faulk Gilbreath Goodwin Goynes Hall of A. Hall of B. Hays Hickman Hollis Johnston Kilpatrick King of M. King of P. Lane Lea Loyd M'Afee M'Rea M'Vay Moore Musgrove Norwood Oliver of C. Paul Payne Peete Philpott Riddle Ross Saunders of L. Shackelford Swink Snedcor Stephens Walker Ward Watkins Wilkinson.

Mr Aikin having received a majority of all the votes given in, was declared by Mr Speaker, duly elected digester of the statute laws of the State of Alabama.

The two Houses then proceeded to the election of three commissioners to examine the digested laws of the State of Alabama: Messrs C. R. Clifton, T. Owen, R. Y. Gordon, — Mitchell, John Brown, (Red.) Wm. J. Van De Graff, being in nomination.

Those who voted for Mr Clifton are, messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Edmondson Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Vining. Reps. messrs Speaker Abernathy Acklen Brodnax Carroll Craig Dellet Farrar Foster Gilbreath Goodwin Goynes Hall of B. Harris Hickman Hollis Hubbard Johnston Keener King of M. Lane Lockhart Loyd M'Collum M'Kinley M'Rea Musgrove Nabors Norwood Oliver of C. Paul Payne Peete Philpott Rather Riddle Rugely Saunders of D. Saunders of L. Swink Stephens Tarrant Terrell Toulmin Walker Watkins Wilkinson.

Those who voted for Mr Owen are, messrs Abercrombie Anderson Erwin of G. Hemphill Irwin of H. Perry Vining and Walthall. Reps. messrs Acklen Augustus Baker Boyd Cook Drish Fontaine Foster Hall of A. Hubbard Kilpatrick Keener King of M. King of P. Loyd M'Collum M'Rea Philpott Shackelford Shearer Snedcor Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Gordon are, messrs President Abercrombie Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Brodnax Campbell Carroll Cook Craig Dellet Erwin Faulk Farrar Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Hickman Hollis Keener King of P. Lane Lea Lockhart M'Afee M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Peete Rather Riddle Ross Rugely Saunders of D. Shackelford Shearer Swink Toulmin Ward Watkins.

Those who voted for Mr Mitchell are, messrs Barclay Coopwood. Reps. Abernathy Boyd Campbell Drish Faulk Hubbard Johnston Lane M'Vay Moffett Moore Norwood Payne Saunders of L. Snedcor Stephens Ward.

Those who voted for Mr Brown are, messrs President Conner Coopwood Dupuy Edmondson Hogan Irwin of H. Lawler Morton Vining. Reps. Baker Brodnax Carroll Erwin Faulk Farrar Fontaine Gilbreath Goodwin Goynes Harris Hollis Johnston Kilpatrick King of M. Lea Loyd M'Afee M'Vay Moore Musgrove Nabors Oliver of C. Oliver of M. Norwood Philpott Rather Ross Rugely Saunders of L. Shearer Swink Tarrant Terrell Watkins Ward.

Those who voted for Mr Van De Graff are, messrs President Anderson Barclay Bridges Erwin of G. Lawler M'Elderry Pickett Smith Walthall. Reps. messrs Speaker Augustus Boyd Campbell Cook Craig Dellet Drish Erwin Fontaine Foster Hall of A. Hall of B. Hickman Kilpatrick King of P. Lea Lockhart M'Afee M'Collum M'Kinley Moffett Oliver of C. Paul Payne Peete Riddle Ross Saunders of D. Shackelford Snedcor Stephens Watkins Ward.

Messrs Clifton, Gordon and Brown having received a majority of all the votes given in, were declared by Mr Speaker, duly elected.

The Senate then withdrew to the Senate Chamber, Mr President then resumed his chair.

And then the Senate adjourned until 10 o'clock to-morrow.

**Saturday, January 21, 1832.**—The Senate met pursuant to adjournment.

Mr Perry offered the following resolution, viz: *Resolved*, that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives to wait on His Excellency the Governor and inform him that the two Houses of the General Assembly will be ready to adjourn sine die, if he has no further communication to make to them; which was adopted, and messrs Perry, Lawler and Erwin of G. were appointed said committee.

Mr Powell from the committee on enrolled bills, reported as correctly enrolled, viz: An act to incorporate the town of Centreville, in Bibb county; an act to exempt from taxation all incorporated Academies in this State; an act to designate the boundaries of certain counties therein named; an act to regulate the time of holding the county courts of Greene county; an act to provide for the payment of the land commissioners for certain services rendered to the State; an act amendatory to the laws concerning divorce; an act to establish a branch Bank of the State of Alabama; an act to explain an act passed at the present session of the General Assembly; an act to dispose of certain public lands, and for other purposes; an act to authorize Willis Atkins and others, to erect certain gates therein mentioned; an act to authorize Cornelius Rain to establish a turnpike road; an act to incorporate the Big Prairie creek Navigation company.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives insist on their amendment to the bill from the Senate entitled an act to remove a portion of the public arms to the town of Montgomery. They have also passed bills from the Senate of the following titles, to wit: An act to reduce the size of the several divisions and brigades of the militia of this State, and joint resolutions in relation to the suppression of publications of an incendiary nature.

Mr Irwin of H. asked leave to withdraw the account of John M<sup>c</sup>Kinney; which was granted.

Mr Anderson from the select committee to whom was referred the bill entitled an act to attach to certain counties therein named the territory west of the Tombeckbee river, reported the same with amendments; which on motion of mr Erwin of G. was laid on the table.

Mr Coopwood from the committee on accounts and claims to whom was referred the bill entitled an act making appropriations for certain claims against the State, reported the same with sundry amendments. Mr Irwin of H. moved to disagree to the amendments made by the committee in striking out the 14th section of the bill; was lost. The report of the committee was then concurred in.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives concur in the resolution from the Senate proposing to appoint a committee to wait on His Excellency the Governor, and inform him that the two Houses will have finished the business before them this day at 11 o'clock P. M. and will then be ready to adjourn sine die, if he has no further communications to make; and have appointed as such committee on their part, messrs Acklin, Erwin and Moffett.

Mr Hemphill offered the following resolution, entitled, "*Resolution*, to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes; which was read, and the rule being suspended was read a second time. Mr Hogan moved to amend the bill by striking out the name of James Rather, and insert Thomas Emond; which was carried. Yeas 8—Nays 6.



The yeas and nays being desired, those who voted in the affirmative are, messrs President Bridges Coopwood Dupuy Erwin of G. Hogan Smith Vining.

Those who voted in the negative are, messrs Abercrombie Conner Edmondson Hemphill Lawler Walthall.

Mr Hemphill moved that the resolution be further suspended and the bill be read a third time which was carried. Mr Hemphill moved the blank be then filled with the sum of "fifty dollars;" which was carried. The resolution then passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House thereof.

The joint committee of the two Houses appointed to wait on His Excellency the Governor and inform him that the two Houses will have finished the business before them, this day at 11 o'clock P. M. and will then be ready to adjourn sine die, if he has no further communication to make; have performed that duty, and received for answer that he has no further communication to make.

*Secretary of States' Office, January 21, 1832.*

Mr President—I am requested by the Governor to inform your honorable body that he did on this day approve and sign, an act to establish a branch Bank of the State of Alabama, which originated in the Senate.

The committee on enrolled bills have examined and found correctly enrolled, an act to reduce the size of the several divisions and brigades of the militia of this State; joint resolution in relation to the suppression of publications of an incendiary nature in other states; memorial to the Congress of the United States in relation to the public lands.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that with the concurrence of the Senate the two Houses will convene in the Representative Hall on this day at the hour of 12 o'clock, for the purpose of electing a site for the location of the branch Bank of the State of Alabama. Mr Abercrombie moved to lay the resolution on the table; which was carried.

Mr Briges from the committee on accounts and claims to whom was referred the account of Randolph and Cairnes, for a desk furnished in the Representative Hall, reported that the justness of the account was only known to the House of Representatives, and should have been presented to that body, and asked leave to be discharged from the further consideration thereof.

Mr Coopwood from the select committee to whom was referred the bill entitled an act to prevent unnecessary costs on bills of exchange purchased by the Bank of the State of Alabama, reported the same without amendment and moved to lay the same on the table; which was carried.

Mr McElderry, from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the Mobile manufacturing company.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county, to have the records of said county transcribed, in which they request the concurrence of the Senate.

A bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to have the records of said county transcribed, read first time, rule being suspended, read second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Abercrombie moved to take up the resolution from the House of Representatives proposing to go into the election for a site for the location of the branch Bank of the State of Alabama: which was carried, and the resolution concurred in.



Mr Erwin of G. from the select committee to whom was referred the resolution inquiring into the expediency of forming some general law relative to the emancipation of slaves, and of having all free persons of color transported to Liberia, reported that they view the principles of the resolution as highly necessary and proper, but that it is now too late in the session to propose a law and act upon it with that deliberation which the importance of the subject demand, and asked leave to be discharged from further consideration of the same; which was granted.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed bills entitled, an act to divorce certain persons therein named; an act to establish an academy of learning in Triana, in Madison county, in which they request the concurrence of the Senate.

A bill entitled an act to establish an academy of learning in Triana, in Madison county, was read a first time, the constitutional rule being suspended, was read second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

A bill entitled an act to divorce certain persons therein named was taken up, read first time, the rule being suspended, was read second time. Mr Edmondson moved to amend the bill by an additional section; which was adopted. Mr Lawler moved to lay the bill on the table until Monday next; which was lost. Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Hemphill Lawler Pickett Vining.

Those who voted in the negative are, messrs Abercrombie Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hogan Irwin of H. M'Elderry Morton Perry Powell Smith Walthall.

The bill was then ordered to a third reading. Yeas 12—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Bridges Conner Coopwood Edmondson Erwin of G. Irwin of H. M'Elderry Perry Pickett Powell.

Those who voted in the negative are, mr President

The bill then passed the Senate. Yeas 10—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Bridges Conner Edmondson Irwin of H. M'Elderry Perry Powell Smith.

Those who voted in the negative are, messrs President Coopwood Pickett Erwin of G.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House is now ready to receive them in the Hall of the House of Representatives for the purpose of locating the site for the branch Bank of the State of Alabama, whereupon the Senate repaired to the Hall of the House, were seated, mr President announced the object of their meeting, and the two Houses proceeded to the election of a site for the branch Bank of the State of Alabama. Montgomery, Mobile, Cahawba, Huntsville, Athens, Decatur, Courtland, Tuscumbia, Marion, Claiborne, being in nomination. For Montgomery, 27; for Mobile, 12; for Cahawba, 5; for Huntsville, 14; for Marion, 5; for Athens, 7; for Decatur, 5; for Courtland, 10; for Tuscumbia, 3; for Claiborne, 3.

Those who voted for Montgomery are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Pickett. Reps. Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Keener Loyd M'Affee Nabors Oliver of M. Ross Rugely Tarrant Terrell Ward.

Those who voted for Mobile are, mr President Bridges Erwin of G. Hogan. Reps. Erwin Hall of B. Harris Lockhart Moffett Oliver of C. Toulmin Wilkinson.

Those who voted for Cahawba are, messrs Perry. Reps. Herbert Moore Paul Saunders of D.

Those who voted for Huntsville are, messrs Barclay Powell Vining. Reps. messrs Speaker Acklen Carroll Fontaine Foster Gilbreath King of M. Norwood Peete Swink Stephens.

Those who voted for Athens are, messrs Edmondson. Reps. Goynes Johnston Lane M'Kinley M'Vay Saunders of L.

Those who voted for Courtland are, messrs Coopwood. Reps. Abernathy Boyd Campbell Hollis Hubbard Kilpatrick M'Collum Walker.

Those who voted for Tuscumbia are, messrs Morton. Reps. M'Raey Payne.

Those who voted for Marion are, messrs Walthall. Reps. King of P. Lea Shackelford Snedcor.

Those who voted for Claiborne are messrs Smith. Reps. Faulk Hays.

Neither having a majority the two Houses proceeded to a second ballot. Montgomery, Mobile, Huntsville, Athens, Decatur and Courtland, being in nomination. For Montgomery, 30; Mobile, 18; Huntsville, 15; Athens, 5; Decatur, 5; Courtland, 12.

Those who voted for Montgomery are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Perry Pickett. Reps. Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Herbert Keener Loyd M'Afee Nabors Oliver of M. Paul Ross Rugely Tarrant Terrell Ward.

Those who voted for Mobile are, messrs Erwin of G. Hogan Smith Walthall. Reps. Erwin Hall of B. Harris Hays King of P. Lea Lockhart Moffett Moore Oliver of C. Saunders of D. Snedcor Toulmin Wilkinson.

Those who voted for Huntsville are, messrs Barclay Vining. Reps. mr Speaker Acklen Carroll Drish Fontaine Foster Gilbreath King of M. Norwood Peete Shackelford Swink Stephens.

Those who voted for Decatur are, messrs M'Elderry. Reps. Hickman Musgrove Philpot Rather.

Those who voted for Athens are, messrs Edmondson. Reps. Johnston Lane M'Vay Saunders of L.

Those who voted for Courtland are, messrs Coopwood Morton. Reps. Abernathy Boyd Campbell Goynes Hickman Hollis Hubbard Kilpatrick Lockhart M'Collum M'Rea Musgrove Payne Philpott Rather Walker.

Neither having a majority the two Houses proceeded to a third ballot. Montgomery, Mobile, Huntsville, Athens and Courtland. For Montgomery 32; Mobile 16; Huntsville 16; Athens 4; Courtland 18.

Those who voted for Montgomery are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Perry Pickett. Reps. Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Hall of B. Harris Herbert Keener Loyd M'Afee Nabors Oliver of M. Paul Ross Rugely Tarrant Terrell Ward.

Those who voted for Mobile are, messrs Bridges Erwin of G. Hogan Smith Walthall. Reps. Erwin Hays King of P. Lea Moffett Moore Oliver of C. Saunders of D. Snedcor Toulmin Wilkinson.

Those who voted for Huntsville are, messrs Barclay Vining. Reps. mr Speaker Acklen Carroll Drish Fontaine Foster Gilbreath King of M. M'Vay Norwood Peete Shackelford Swink Stephens.

Those who voted for Athens are, messrs Edmondson. Reps. Johnston Lane Saunders of L.

Those who voted for Courtland are, messrs Coopwood M'Elderry. Reps. Abernathy Boyd Campbell Goynes Hickman Hollis Hubbard Kilpatrick Lockhart M'Collum M'Rea Musgrove Payne Philpott Rather Walker.

Neither having a majority the two Houses then proceeded to a fourth balloting. For Montgomery 38; Mobile 10; Huntsville 16; Courtland 22; Athens 2.

Those who voted for Montgomery are, messrs President Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Perry Pickett. Reps. messrs Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Hall of B. Harris Herbert Keener King of P. Loyd M'Afee Moore Nabors Oliver of C. Oliver of M. Paul Ross Rugely Shackelford Tarrant Terrell Ward Wilkinson.

Those who voted for Mobile are, messrs Erwin of G. Hogan Smith Walthall. Reps. messrs Erwin Hays Lea Moffett Saunders of D. Toulmin.

Those who voted for Huntsville are, messrs Barclay Bridges Vining. Reps. messrs Speaker Acklen Carroll Drish Fontaine Foster King of M. Gilbreath M'Vay Norwood Peete Swink Stephens.

Those who voted for Courtland are, messrs Coopwood M'Elderry Morton. Reps. messrs Abernathy Boyd Campbell Goynes Hickman Hollis Hubbard Johnston Kilpa-

trick Lockhart M'Collum M'Rea Musgrove Payne Philpot Rather Saunders of L. Snedcor Walker.

Those who voted for Athens are, mr Edmondson. Reps. mr Lane.

Neither of them having a majority, the two Houses proceeded to a fifth ballot: Montgomery, Huntsville, Courtland and Athens, being in nomination. For Montgomery 46; for Huntsville 9; for Courtland 29; Athens 1.

Those who voted for Montgomery are, messrs President Abercrombie Anderson Conner Dupuy Erwin of G. Hemphill Irwin of H. Lawler Periy Pickett Smith Walthall. Reps. messrs Augustus Baker Brodnax Cook Craig Dellet Erwin Farrar Goodwin Hall of A. Hall of E. Harris Herbert Keener King of P. Lea Loyd M'Affee M'Vay Moore Nabors Oliver of C. Oliver of M. Ross Rugely Saunders of D. Shackelford Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Huntsville are, messrs Hogan Vining. Reps. messrs Speaker Acklen Carroll Drish Foster King of M. Peete.

Those who voted for Courtland are, messrs Barclay Bridges Coopwood M'Elderry Morton. Reps. messrs Abernathy Boyd Campbell Fontaine Gilbreath Goyne Hickman Hollis Hubbard Johnson Kilpatrick Lockhart M'Collum M'Rea Musgrove Norwood Payne Philpott Rather Saunders of L. Swink Snedcor Stephens Walker.

Mr Edmondson voted for Athens.

Montgomery having a majority of all the votes, mr Speaker declared that Montgomery was duly elected the site for the location of the branch bank of the State of Alabama.

The Senate repaired to their Chamber: mr President resumed his chair.

And the Senate adjourned to 3 o'clock.

*Three o'clock.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill from the Senate entitled an act to incorporate the Moulton Female Academy. They have also passed a bill entitled an act to legitimate and change the names of certain persons therein named: in which they request the concurrence of the Senate. They have also passed a bill from the Senate entitled an act to incorporate the Big Prairie Creek navigation company.

Engrossed bill from the House of Representatives entitled an act to legitimate and change the names of certain persons therein named, was read a first time, the rule being suspended, read second and third time and passed the Senate. *Ordered*, that the title be as above, and that the Secretary acquaint the House therewith.

Mr Hogan, from the select committee to whom was referred a bill entitled an act to alter and establish the boundary lines between certain counties therein named, reported the same without amendment, which was ordered to lay on the table until the first day of next session.

The resolution from the House of Representatives proposing to go into the election of the judges of the first, second and fifth circuits of this State, was taken up. Mr Irwin of H. moved to strike out the word "fifth" from the resolution; which was adopted: also, the word "Friday," and insert "Saturday;" adopted.

The committee on enrolled bills have examined and found correctly enrolled: An act supplementary to an act to establish a turnpike road therein mentioned, approved January 7, 1830; an act making provisions for the taxing of cattle in this State which are the property of non-residents; an act to divorce certain persons therein named: an act making appropriations for certain claimants against the State.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed joint resolutions from the Senate entitled ~~joint~~ resolutions to keep and preserve all the furniture of both Houses of the General Assembly and for other purposes, and have amended

the same as therein shewn: in which they request the concurrence of the Senate. They have also passed a bill from the Senate entitled an act for the relief of Edward Hamrick. They have passed a bill entitled an act to provide for the payment of the reporter of the decisions of the supreme court, for reporting the decisions of 1829 and 1830: in which they request the concurrence of the Senate.

Mr Hogan moved that the Senate disagree to the amendment of the House of Representatives to the joint resolution to keep and preserve all the furniture of the two Houses of the General Assembly, and for other purposes; which was agreed to.

A bill from the House of Representatives entitled an act to provide for the payment of the reporter of the decisions of the supreme court for reporting the decisions of 1829 and 1830, was taken up and read the first time, rule being suspended was read a second and third time and passed the Senate. *Ordered*, that the title be as above, and that the secretary acquaint the House therewith.

Mr Abercrombie offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives the two Houses will assemble in the Representative Hall this evening at the hour of 7 o'clock for the purpose of electing a President and twelve Directors of the Branch of the Bank of the State of Alabama.

Message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives disagree to the amendment of the Senate to the resolution of the House, proposing to go into the election of judges of the first, second and fifth circuits by striking out the word "fifth," and concur in the other amendments of the Senate to said resolution. They concur in the resolution of the Senate proposing that the two Houses will assemble in the Representative Hall this evening at the hour of 7 o'clock for the purpose of electing a President and twelve Directors of the Branch of the Bank of the State of Alabama. They insist on their amendments to the joint resolution to keep and preserve all the furniture of both Houses of the General Assembly and for other purposes. They have passed a bill from the Senate entitled an act to incorporate the Mobile Manufacturing Company.—They have also passed a bill entitled an act for the relief of Wm. Taylor: in which they have requested the concurrence of the Senate. They have also passed bills from the Senate of the following titles: An act to legitimate Thomas Maxwell, jr. son of Thomas Maxwell, sen.; an act supplementary to an act entitled an act to appoint canal commissioners for the improvement of the Tennessee river navigation, and for other purposes; an act to organize a legion of volunteers in the city and county of Mobile. The last of which they have amended as shewn in said bill: in which they request the concurrence of the Senate. They have also passed a bill entitled an act to repeal in part an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved 20th January 1829: in which they request the concurrence of the Senate. They have also passed a bill from the Senate entitled an act to change the name of William Williams.

Mr Coopwood moved that the Senate recede from their amendment to the resolution proposing to elect judges for the first, second and fifth circuits. On which motion mr Pickett called for the previous question; which was sustained. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Abercrombie Barclay Conner Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler Pickett Smith Walthall.

Those who voted in the negative are, messrs Anderson Bridges Coopwood M'Elderry Morton Perry Vining.

The question was then taken on mr Coopwood's motion to recede; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Coopwood Hemphill M'Elderry Morton Perry Vining.

Those who voted in the negative are, messrs President Bridges Comer Dupuy Edmondson Irwin of G. Hogan Irwin of H. Lawler Pickett Smith Walthall.

Mr Irwin of H. moved that the Senate insist on their amendment to the resolution of the House of Representatives proposing to go into the election for judges of the first, second and fifth circuits; which was carried. *Ordered*, that the secretary acquaint the House therewith.

Mr Anderson offered the following resolution: *Resolved*, with the concurrence of the House of Representatives, the resolution already passed to adjourn *sine die* at 11 o'clock P.M. this day, be, and the same is hereby rescinded; which was laid upon the table.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House is now ready to receive them in their Hall for the purpose of going into the election of judges for the first second and fifth judicial circuits, and a President and twelve Directors of the Branch of the Bank of the State of Alabama.

Mr President moved to lay the resolution on the table; which was carried.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives insist in their disagreement to the amendment made by the Senate to the resolution proposing to go into the election of judges for the first, second and fifth judicial circuits, by striking out the word "fifth," and request the appointment of a committee of conference on said disagreement. They have appointed as such committee on their part messrs Dellet, Acklen, Erwin, Fontaine and Baker. They have directed me to inform the Senate that they are now ready to receive them for the purpose of electing a President and twelve Directors of the Branch Bank of the State of Alabama.

Mr President moved to lay the latter resolution on the table; which was carried. Mr Bridges moved that the Senate appoint a committee of conference on the part of the Senate to confer with the committee on the part of the House on the disagreement of the House to the amendment of the Senate proposing to go into the election of judges of the first, second and fifth judicial circuits; which was carried. Messrs Bridges, Erwin of G. Hogan, Lawler and Walthall were appointed said committee.

Mr Hogan moved that the Senate concur in the amendment of the House of Representatives to the bill entitled an act to organize a legion of volunteers in the city and county of Mobile; which was carried.

Mr Bridges moved to take from the table a bill entitled an act to attach to certain counties therein named the territory west of the Tombeckbe river. Mr Bridges moved that the Senate concur in the amendments of the second section of the bill; which was carried. Mr Bridges moved to disagree to the 9th section, and the amendments of the House of Representatives to the first section; which was concurred in. *Ordered*, that the secretary acquaint the House therewith.

Committee on enrolled bills have examined and found correctly enrolled, An act to incorporate the Moulton Female Academy; an act more effectually to secure to the militia officers the infantry tactics received by this State from the General Government; an act to provide for the payment of the

reporter of the decisions of the supreme court, and for reporting the decisions of 1829 and 1830; an act making appropriations for the year 1832; an act for the relief of Edward Hanrick; an act to legitimate and change the names of certain persons therein named; an act to establish an academy of learning at Triana, in Madison county; an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to have the records of said county transcribed; an act to provide for the election of justices of the peace and constables in the corporate limits of the town of Huntsville.

Mr Hogan moved that the Senate insist on their disagreement to the amendments of the House of Representatives to the joint resolution to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes; which was carried.

Mr President offered the following resolution: *Resolved*, that the House of Representatives be now informed that the Senate is now ready to repair to their Hall for the purpose of going into the election of a President and twelve Directors of the Branch Bank of the State of Alabama; which was adopted.

Message from the House of Representatives by Mr Van Dyke: Mr President—I am instructed by the House of Representatives to inform the Senate that they are now ready to receive them in their Hall for the purpose of going into the election of a President and twelve directors of the Branch Bank of the State of Alabama.

Whereupon the Senate repaired to the Hall of the House of Representatives, and the President announced the object of the meeting.

The two Houses then proceeded to the election of a president of the Branch Bank of the State of Alabama: Mr Gindrat being in nomination. For Mr Gindrat 77 votes.

Those who voted for Mr Gindrat are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reps. messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Erwin Farrar Fontaine Foster Gilbreath Goynes Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Afee M'Collum M'Rae M'Vay Moffett Moore Musgrove Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Tarrant Terrell Walker Ward.

Mr Gindrat receiving all the votes given in, Mr Speaker declared him duly elected president of the branch bank of the State of Alabama.

The two Houses then proceeded to the election of twelve directors of the Branch Bank of the State of Alabama: Messrs C. F. Pollard, William Sayre, John W. Freeman, William D. Pickett, Benajah S. Bibb, Daniel Carpenter, Samuel Holt, Thomas Brown, George Whitman, Bushrod W. Bell, William Falkner, William Graham, John Goldthwaite, Nimrod E. Benson, Greenwood, Charles Lucas and Wm. B. Street, were in nomination. For Pollard 58, Sayre 63, Freeman 61, Pickett 70, Bibb 66, Carpenter 69, Holt 56, Brown 52, Whitman 60, Bell 69, Falkner 59, Graham 25, Goldthwaite 37, Benson 28, Wood 6, Lucas 54, Street 20.

Those who voted for Mr Pollard are, messrs President Abercrombie Anderson Conner Dupuy Edmondson Hemphill Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Baker Boyd Brodnax Carroll Cook Dellet Fontaine Foster Goynes Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea M'Afee M'Rea M'Vay Moffett Moore Musgrave Nabors Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shearer Tarrant Terrell Toulmin Walker.

Those who voted for Mr Sayre are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar



Fontaine Foster Goyne Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Afee M'Collum M'Rea M'fett Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Freeman are, messrs President Abercrombie Anderson Conner Coopwood Dupuy Edmondson Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Baker Brodnax Carroll Cook Dellet Farrar Fontaine Foster Goyne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Afee M'Rea M'Vay Moore Musgrove Nabors Oliver of C. Oliver M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Pickett are, messrs President Abercrombie Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Goyne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Afee M'Collum M'Rea M'Vay M'fett Moore Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Bobb are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Lawler M'Elderry Morton Perry Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Brodnax Carroll Cook Dellet Erwin Farrar Fontaine Foster Goyne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea M'Afee M'Collum M'Rea M'Vay M'fett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Carpenter are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Goyne Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lockhart M'Afee M'Collum M'Rea M'Vay M'fett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Helt are, messrs Abercrombie Anderson Conner Dupuy Edmondson Hemphill Lawler M'Elderry Morton Perry Pickett Walthall. Reps. messrs Speaker Abernathy Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Fontaine Foster Goyne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick Lea M'Afee M'Collum M'Rea Moore Nabors Oliver of C. Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Brown are, messrs Abercrombie Anderson Conner Coopwood Dupuy Hemphill Lawler Morton Perry Pickett Walthall. Reps. messrs Speaker Abernathy Acklen Baker Brodnax Carroll Cook Dellet Farrar Fontaine Foster Goyne Harris Herbert Hollis Hubbard Johnston Keener Kilpatrick Lea Lockhart M'Afee M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker.

Those who voted for mr Whitman are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Erwin of G. Hemphill Hogan M'Elderry Morton Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Cook Erwin Farrar Fontaine Foster Goyne Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lockhart M'Afee M'Collum M'Rea M'Vay M'fett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Rugely Saunders of D. Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for mr Bell are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Farrar Fontaine Foster Goyne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Afee M'Rea M'Vay M'fett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Falkner are, messrs Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill M'Elderry Morton Pickett Walthall. Reps. messrs Speaker Abernathy Augustus Baker Boyn Broadnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Goynes Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick Lockhart M'Afee M'Collum M'Rea Moffett Moore Musgrove Nabors Oliver of M. Paul Payne Peete Philpot Rather Rugely Saunders of D. Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Graham are, messrs President Anderson Bridges Coopwood Erwin of G. Hogan Perry Pickett Smith. Reps. messrs Augustus Boyd Campbell Erwin Farrar Hall of B. Hays King of P. Lockhart M'Collum M'Vay Moffett Payne Ross Shackelford and Wilkinson.

Those who voted for Mr Goldthwaite are, messrs President Anderson Bridges Coopwood Edmondson Erwin of G. Hogan Lawler M'Elderry Perry Pickett Smith. Reps. messrs Speaker Acklen Augustus Boyd Campbell Carroll Dellet Erwin Farrar Hall of B. Hays King of P. Lea Lockhart M'Collum M'Vay Moffett Moore Norwood Payne Philpot Ross Saunders of L. Shackelford Wilkinson.

Those who voted for Mr Hansen are, messrs Bridges Coopwood Edmondson Erwin of G. Hogan Lawler Pickett Smith. Reps.—messrs Abernathy Acklen Augustus Boyd Campbell Erwin Farrar Hays King of P. Lea Lockhart M'Collum M'Vay Moffett Musgrove Norwood Payne Ross Saunders of L. Shackelford.

Those who voted for Mr Wood are, messrs Bridges Erwin of G. Hogan Smith. Reps.—messrs Augustus Lockhart.

Those who voted for Mr Lucas are, messrs President Abercrombie Conner Dupuy Edmondson Hemphill Lawler M'Elderry Morton Walthall. Reps.—messrs Speaker Acklen Baker Broadnax Campbell Carroll Cook Dellet Drish Fontaine Foster Goynes Harris Hickman Hollis Hubbard Johnson Keener Kilpatrick Lea M'Afee M'Vay Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Street are, messrs President Bridges Erwin of G. Hogan Perry Smith. Reps. Acklen Augustus Boyd Campbell Cook Erwin Hays King of P. Lea M'Collum M'Vay Moffett Oliver of C.

Messrs Pollard, Sayre, Freeman, Pickett, Bibb, Carpenter, Holt, Brown, Whiteman, Bell, Falkner, and Lucas having received a majority of all the votes given in, was duly declared by the Speaker elected directors of the branch bank of the State of Alabama.

The Senate withdrew to the Senate Chamber, and Mr President resumed his chair.

Mr M'Elderry, from the committee on enrolled bills, reported the following bill as correctly enrolled: an act to repeal in part an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved 20th January, 1829.

Mr Erwin of G. from the committee of conference on the part of the Senate to confer with the committee appointed on the part of the House of Representatives on the disagreement of the House of Representatives to the amendment of the Senate to the resolution of the House of Representatives, providing for going into the election of judges of the first, second and fifth judicial circuits, have met and have conferred with the committee on the part of the House of Representatives, and have agreed to recommend to the House of Representatives to recede from their disagreement to the amendment of the Senate, to said resolution.

*Secretary of States' office, January 21, 1832.*

Mr President—I am requested by the Governor to inform your honorable body, that he on this day approved and signed the following bills: an act to amend an act entitled an act for the government of the port and harbour of Mobile, passed Dec. 23, 1822; an act to repeal an act entitled an act to establish a board of Internal improvement for the State of Alabama; an act to revive and repeal in part and amend an act entitled an act to incorporate the town of Greensborough in the county of Greene, approved Dec. 24th, 1823;

an act supplementary to an act entitled an act for the improvement of the Tennessee river, and for other purposes; an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of the University lands in the county of Conecuh; an act to repeal in part an act entitled an act for the Government of ginholders, passed, Nov. 16th 1838; an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa Greene and Pickens, approved January 20, 1830; an act to authorize the commissioners court of roads and revenue to grant private ways in certain cases; an act amendatory to the laws concerning divorce; an act to provide for the payment of the land commissioners for certain services rendered to the State; an act to regulate the time of holding the county courts of Greene county; an act to designate the boundary of certain counties therein named; an act to exempt from taxation all incorporated academies in this State; an act to incorporate the town of Centreville, in Bibb county; memorial of the General Assembly of the State of Alabama to the Congress of the United States, for the relief of William Williams and William Bush; joint resolutions on the subject of the public lands; memorial to the Congress of the United States on the subject of the public lands; joint resolution in relation to the suppression of publications of an incendiary nature in other States; an act to incorporate the Big Prairie Creek Navigation company; an act to incorporate the Moulton female academy; an act for the relief of Edward Harrick; an act to reduce the size of the several brigades and divisions of the militia of this State; an act to change the name of William Williams; an act to incorporate the Mobile Manufacturing company. All of which originated in the Senate.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives recede from their amendments to the first section, and their amendment by a ninth section to a bill entitled an act to attach to certain counties therein named the territory west of the Tombecbee river. They also adhere to their amendment to the joint resolution to keep and preserve the furniture belonging to both Houses of the General Assembly.

Mr Hogan moved that a committee be appointed on the part of the Senate on the disagreement of the two Houses on the resolution to keep and preserve, when the following message was received from the House of Representatives by mr Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that this House is now ready to receive them to go into the election of judges for the first and second judicial circuits of this State.

Mr Hogan moved to lay the resolution to keep and preserve all the furniture of both Houses of the General Assembly on the table; which was carried. And then the Senate repaired to the Hall of the House of Representatives, were seated, mr President announced the object of the meeting and the two Houses proceeded to the election of a judge of the first judicial circuit.

Mr Ptolemy Harris, John G. Creagh and John H. Jones being in nomination. For Mr Harris, 51; mr Creagh, 10; mr Jones, 9.

Those who voted for mr Harris are, messrs Abercrombie Anderson Conner Coopwood Dupuy Edmondson Hemphill Hogan Irwin of H. Lawler Merton Walthall. Reps. messrs Speaker Abernathy Augustus Baker Carroll Fontaine Gilbreath Goodwin Hall of B. Herbert Hickman H. H. Hubbard Johnston Keener King of E. Lane Loyd McAfee McCollum McRea Mesgrove Nabers Oliver of C. Oliver of M. Paul Payne Rather Rugely Saunders of D. Saunders of L. Swink Shearer Tarrant Terrell Walker Ward.

Those who voted for mr Creagh are, messrs President Bridges Pickett. Reps.—Dellat Moffett Moore Pette Ross Stephens Wilkinson.

Those who voted for mr Jones are messrs M'Elderry Smith. Reps. Boyd Brodnax Drish Farrar Foster Goyne Toulmin. Mr Erwin of G. voted for F. S. Lyon.

Mr Harris receiving a majority of the votes given in, mr Speaker declared him duly elected judge of the first judicial circuit.

The two Houses then proceeded to the election of a judge of the second judicial circuit. Messrs Cook, Perry and Clark being in nomination, for mr Cook 35; for mr Perry 30; for mr Clark 10.

Those who voted for mr Cook are, messrs President Abercrombie Dupuy Edmondson Hemphill Morton. Reps. messrs Speaker Abernathy Baker Brodnax Fontaine Foster Hall of B. Hollis Hubbard Johnston Keener Loyd M'Collum M'Rea M'Vay Moore Musgrove Oliver of C. Oliver of M. Peete Rather Ross Rugely Saunders of L. Tarrant Terrell Toulmin Walker Ward.

Those who voted for mr Perry are, messrs Anderson Bridges Conner Hogan Irwin of H. M'Elderry Walthall. Reps. messrs Carroll Dellet Drish Farrar Gilbreath Goyne Harris Herbert Hickman Kilpatrick King of P. Lea Lockhart M'Afee Nabors Norwood Paul Payne Saunders of D. Shackleford Shearer Stephens Wilkinson.

Those who voted for mr Clark are, messrs Coopwood Lawler Pickett. Reps. messrs Augustus Boyd Goodwin Hays Moffett Snedcor.

Neither having a majority the two Houses proceeded to a second ballot. Messrs Cook and Perry being in nomination, for mr Cook 35; mr Perry 42.

Those who voted for mr Cook are, messrs President Abercrombie Dupuy Edmondson Hemphill Morton. Reps. messrs Speaker Abernathy Augustus Baker Brodnax Fontaine Foster Hall of B. Hubbard Johnston Keener Loyd M'Collum M'Rea M'Vay Moore Musgrove Oliver of C. Oliver of M. Peete Rather Ross Rugely Saunders of L. Tarrant Terrell Toulmin Walker Ward.

Those who voted for mr Perry are, messrs Anderson Bridges Conner Coopwood Erwin of G. Irwin of H. Hogan Lawler M'Elderry Pickett Smith Vining Walthall. Reps. messrs Boyd Carroll Dellet Drish Farrar Gilbreath Goodwin Goyne Harris Hays Herbert Hickman Kilpatrick King of M. King of P. Lea Lockhart M'Afee Moffett Nabors Norwood Paul Payne Saunders of D. Shackleford Shearer Swink Stephens Wilkinson.

Mr Perry having received a majority of all the votes given, mr Speaker declared him duly elected judge of the second judicial circuit.

The Senate then withdrew to the Senate chamber. Mr President resumed the chair.

A message from the House of Representatives by mr Tunstall, their clerk: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the clerk of this House inform the Senate that they have disposed of all the business before them and are now ready to adjourn *sine die*.

Mr Erwin of G. having been called to the chair, mr Pickett offered the following resolution: *Resolved unanimously*, that the dignity, ability and impartiality with which the Hon. JAMES JACKSON has discharged his duties in presiding over our deliberations during the present session, entitles him to the approbation and thanks of this Senate; which was adopted.

Mr President having resumed his seat, arose and addressed the Senate in a neat speech, expressive of his gratitude for the kindness expressed toward him in the resolution just adopted, and with an assurance of his warmest wishes for the health, happiness and future prosperity of the Senators.

On motion of Mr Pickett, the Senate adjourned without day.

JAMES JACKSON,

*President of the Senate.*

ATTEST:

C. D. CONNER,

*Secretary of the Senate.*